

S 544 (HH:CLL) 24ms 169

# SAMSONS RIDDLE,

Or,

A Bunch of bitter Wormwood,

Bringing forth

*A bundle of sweet smelling Myrrh.*

The first is made up of the sharpe sufferings, of the Lords Church in Scotland: by the hands of barbarous and bloody Persecutors, evident by the exact Copies of the Inditeiments, Sentences, Executions, and disposing of their Members who were Executed, to be sett up in the publick places of that Land: together with the forfaultries, and gifts of there Estates to others: extracted out of their own Registers, and here inserted.

The Second of the favorie Testimonies of those sufferers, who witnessed a good confession, patiently enduring, through the sight of an invisible God, signally supporting them, as appeareth both by there Letters, and written Testimonies directed to, and left with there Freinds, to be published to the world; as it is here performed.

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Isaiah 42. vers 22. *This is a people robbed and spoiled.*

Psal. 44. vers 22. *For thy sake are we killed all the day long.*

— vers 97. *The dead bodies of thy Servants have they given.*

Micah 2. v.2. *They oppress a man and his house, even a man and his heritage.*

Ezek. 7. vers 24. *The worst of the Heathen shall possess their houses.*

Jer. 4. vers 31. *Wo is me now for my Soul is wearied because of Murderers.*

Isaiah 64. vers 12. *Wilt thou restrain thy self for those things O Lord.*

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Hand (2)

THEORY OF THE EARTH

BY J. H. DE LA BECHE

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*A Brief*  
**EPISTLE.**  
**TO ALL**

*Sufferers for Christ in any Church, but more particularly to the poor suffering remnant in Scotland, true sympathisers with the Lords Work: as what they have suffered in their names, persons, properties, lives and liberties, for there adhering to the doctrine, discipline, government, and worship, agreeable to Gods Word, and established in that Church, by most solemn engagements testifieth: of which what is here recorded is but a small part, Nehem: 9. vers 32. Now therefore our God who keepeth Covenant and mercy, let not all the trouble seem little before thee that hath come upon us.*

*Dear Brethren, and companions in tribulation,*

**M**uch might be said (to save you from fainting in this day of *Jacobs* trouble) from the frequent renewed manifestations, both of the fulness, and also the freeness of Gods grace and mercy, founishing, and fitting the sufferers for his sake, in our Land that no Church hath been more honoured, and helped to give faithfull and free Testimonies, against all steps of defection since our Reformation from Popery and Prelacy, and that by some of all sorts, Noblemen, Gentlemen, Ministers and

Commons ; ( though alas the generality of this generation hath made shamefull defection ) whose carriages , through Gods countenance , was both convincing , and confounding to foes , and also confirming and conforing to friends , the great token for good in our Land , and that which hath kept the cause alive . But to pass by those that first filled the field , and laid down their lives , when those famous and glorified Martyrs , mentioned in that Book intituled *Naphtali* , or the wrestlings of the Church of Scotland . The famous *Marcus* of Argyle , Lord *Waristone* , and glorified Master *Guthrie* who were as Gideons fleece wet , when all about were drie . We are to give you an account now of the second clouster , or cloud of witnesses ( *Nab: 2. vers 5.* He shall recount his worthies ) in which there was such a singular blessing , that there blood and testimonies were as drops from Heaven whereby our weary Israel was refreshed , and made to blossom and bring forth fruit for several years : the same of them shall be ( as the Psalmist saith in the 112. *Psalm 6.* ) in everlasting remembrance , particularly these two famous worthies *Caldwell* and *Kerlland* , persons pregnant both for piety , and parts , being singularly preserved by Gods good providence , from the hands of those bloody adversaries ; both of them died abroad full of faith and good works , whereby they obtained a good report amongst strangers with whom they conversed . *Kerlland* that eminently godly Gentleman after he had been abroad , for several years returned home to visit his friends in his own native Land , was apprehended , and after long imprisonment and transportations from one prison to another , at last was liberated by the Lords immediate hand , sending a fire into that City of Glas-

Glasgow, where he was imprisoned, in the midst of  
wrath remembring mercy, after which I having the  
happines to be acquainted vvith him, can vvith con-  
fidence give you this testimony, yet no man vvas like  
minded in our Land all almost, especially in his station,  
seeking their ovvn things bot he the things of Jesus  
Christ, *Caleb* like of a more Heroick spirit, and fol-  
lowing the Lord *Fully* vvhole vvork and labour of  
love the righteous Lord doth not forget, but his poste-  
rity are reaping the fruits thereof (vvhen riches, honor  
and pleasure vv ere the generality of all our great ons  
Trinitie vvhom they adored,) his vvork vvas to ho-  
nour: God enrich his soul, and to see Christ formed  
in the souls of his Children, and household persuading  
them to make God their portion, in all vv which he tra-  
velled in soul vvith them, and by the blessing of God  
it had such success that it remaineth visible amongst  
his vvorthie Relations, Lady and Children, that he  
left behind him a credit to our Country, and a copy  
to all sufferers for their integrity and sobriety. I be-  
seech therefore brethren that ye be followvers of them  
vvho have pathed the vvay, and by faith and patience  
inheriteth the promises, not fainting and vv earieing in  
your minds, thinking vvith this vain vvorld, that these  
vvorthies suffered so many things in vain, and died as  
fools, as those vvhole sufferings are causeless and vvil-  
full. But Christ and all his being theirs, and they his,  
they could not prigge vvith him, but willingly parted  
vvith possessions, liberties, lives, relations, vvhen they  
came in competition vvith his cause, and could see no  
shifting of it vvithout sinning; such is the sad delemma  
in our day that vve must either sin or suffer, and many  
doing both: being blinded vvith the adversaries, baits

the saving of there lives, tending to the loosing of them. The Lords vvorthies long since rejoyced to suffer for his sake, and vvwere vvilling to lay dovvn their lives, vvhen there call vvas clear and the cause good, and can there be a better cause vvhen it is for none compliance vvith the vvill of sinfull men, in there overturning the glorious fabrick of Gods House, setting up the creature in the place of the Creator; and vvhat call more clear then this that there is no declining of the same vvithout denaying of truth, and turning our back on the Gospel. Sure I am that Gods just judgments are approaching apace, upon the men of these abominations; consent not, concur not vvith them, lest pertaking in there sins, ye pertake also of their plagues, have respect to the better, and more enduring substance, Novv that vvhat ye have here in this small traitise may be meditated upon, applyed, and practised by yow, is the hearts desire, and earnest prayer of

*A poor weelewisher and companion  
in tribulation.*

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*The*



*The process and endytment of these first ten  
martyrs of Jesus Christ who (besids Thomas Parson  
who dyed of his wounds in the tolbooth) suffered to-  
gether at Edinbrugh December 7. 1666. for that  
ever-memorable testimony at pentland wednsday  
November 28. 1666.*

**Curia Justitiaria S. D. N. Regis,**

Tenta in prætorio burgi de Edenbrugh, Quarto die  
mensis Decembris 1666. Per Dominum Joannem Hu-  
me de Rentone Justiciaræ Clericum & Gulielmum  
Murray Advocatum Justiciarium Deputatum.

*Curia Legittime Affirmata*

**INTRANT.**

*Captain Andrew Arnote.*

*Major John Mc. Culloch.*

*Gawine Hamilton in Mauldslie in Carluke Parochine.*

*John Gordone of Knockbreck.*

*Christopher Strang tenent in Killbryde.*

*Robert Gordone Brother to John Gordone of Knockbreck;*

*John Parker Walker in Kilbryde Parochine.*

*John Ross in Mauchline.*

*James Hamilton tenent in Killiemoore.*

*John Shiels in Tiswood.*

**Y**ow, and ilke ane of yow, are endytet and accused for that;  
Albeit by the common Eaw, and the Law of nations, and the  
Law and practick of this Kingdome, and many cleare and ex-  
press



preſs acts of Parliament, the riſing of his Majeſties ſubjects, or  
 any number of them, and the joyning and aſſembling together in  
 armes, without command, warrand or authority, and ſpecially,  
 when the ſamyne is not only without, but againſt, and in oppo-  
 ſitione to his Majeſties authority and Lawes; are moſt horrid and  
 hainous crimes of rebellione, treaſone and laſe Majeſtie, in the  
 higheſt degree, and all perſons committing, and guilty of the ſaids  
 crymes, or any ways acceſſorie therto, or who doth abbet, aſſiſt,  
 recept, intercommune with, or keep correſpondence, with ſuch  
 rebels, or any ways doth ſupply them in any maner of way; or  
 being required be proclamations, or other ways, doth not ryſe  
 with and aſiſt his Majeſties Lievtenant Generall, and others ha-  
 veing power and authority, for repreſſing theſe rebels; ought to  
 be proceeded againſt and ſeverely puniſhed as traitours, confor-  
 me to the Lawes and acts of Parliament of this Kingdome: And in  
 particular, it is ſtatute and ordained, be the third act of King  
 James the 1. his firſt Parliament, that no man, openly or  
 notourly rebell againſt the King, under the paine of forfeaulting  
 Life, Lands and goods: And be the 17<sup>th</sup>. act of the ſaid King  
 James his 2<sup>d</sup>. Parliament it is ſtatute, that no man willfully re-  
 cept, maintaine nor doe favour to open and maniſeſt rebels, againſt  
 the Kings Majeſtie, and commone Law, under the pain of for-  
 faulture; And be the 14<sup>th</sup>. act of King James, the 2<sup>d</sup>. his  
 16. Parliament, entituled, *that no rebell againſt the Kings per-  
 ſone or authority*, it is ſtatute that whoſoever doeth rebell againſt  
 the Kings perſone and authority, or makes warr againſt the Kings  
 Liedges, that they ſhould be puniſhed according, and after the  
 quality of their offence and rebellione; And be the 25<sup>th</sup>. act of the  
 ſaid King James the 2<sup>d</sup>. his 6<sup>th</sup>. Parliament, entituled, *ſundry  
 poynts of treaſone*, it is ſtatute, that if any man commit or doe  
 treaſone againſt the King his perſon or authority, or ryſe in feire  
 of weire againſt him, or receipts any that heſe committed treaſone,  
 or ſupplies him in helpe, red or counſell, ſhall be puniſhed as trai-  
 tours: And the 144<sup>th</sup>. act of King James the 6<sup>th</sup>. his 12<sup>th</sup>. Parlia-  
 mente; it is ſtatute, that wherever any declared traitours or re-  
 bells repairs, in any place of this realme, non of our Sovereignes  
 Liedges ſhall preſume to recept, ſupply or intercommune with  
 them, or to give them any reliefe or comforte and that, imme-  
 diately



diately upon knowledge of their repaireing to the bounds, all his highness obedient subjects doe their exact diligence, in searching and apprehending the saids traitours and rebels, and that with all speed they certifie his Majestie, or some of his secret councell, or some chieff persons of authority and credite within the Shire, that such rebels are within the same, under the paine that the saids traitours and rebels ought to sustaine, giff they wer apprehended, and convict be justice; Lyke as be the 5<sup>th</sup>. act of his Majesties late Parliament, and first session therof, it is declared, that it shall be high treason to the subjects of this Kingdome, or any number of them more or less, upon any ground or pretext whatsomever, to ryse or continue in armes, to make peace or warr, or make any treaties or Leagues with forraigne princes or estates, or amongst themselves, without his Majesties speciall authority or approbatione first interponed therto, and his Majesties subjects are discharged, upon any pretext whatsomever, to attempt any of these things, under the said paine of treason: And be the 7<sup>th</sup>. act of his Majesties foresaid Parliament, and first session therof, all his Majesties subjects are discharged and inhibited, that none of them presume, upon any pretext or authoritie whatsomever, to require the renewing or swearing the League or Covenant, or of any other covenant or publick oathes, concerning the government of the church or Kingdome, without his Majesties speciall warrand and approbatione, and that none of his Majesties subjects offer to renew, or swear the same, without his Majesties warrand, as they will be answerable at their highest perrill: **NEVERTHELESSE**, ye, and your complices, shakeing off all feare of God, and conscience of duetie, alleagiance and Loyaltie to his sacred Majestie, your native and Sovereigne Prince, and Naturall tendernefs to your countrie hes most perfidiously and treasonably contravened the saids Lawes and acts of Parliament, and committed the saids crimes in maner after-specified: In suae farr as this his Majesties ancient Kingdome, haveing for many years suffered and indured, all the calamities, miseries, tragical effects and consequences of a civil and intestine warr, and forreigne usurpatione; And now after his Majesties happy restitutione, beginning to recover, of so Long and wasteing and consumptione, through the blessing of God, and his Majesties incomparable goodness and clemencie, haveing by an act of obli-

vione secured the Lives and fortunes of yow and others, who wer  
 conscious to themselvs, and might have justly feared to be under  
 the Lath and compass of Law and justice; and when his Majestie  
 and his good people had just reasone to expect security and quiet  
 at home, and assistance against his enimies abroad: Yet ye and a  
 party of seditious persons, retaining and persisting in your inve-  
 terate disloyaltie and dissaffectione to his Majesties Government and  
 Lawes, did take advantage and opportunity of the tyme, when  
 his Majestie was engaged in a chargeable and bloody warr with  
 divers his neighbour Princes and States, being jealous of and en-  
 vying his Majesties greatnes and prosperity, and the happines of  
 these Kingdomes under his Majesties Government, and haveing  
 contrived and projected a most horrid insurrectione and rebellione,  
 tending to involve againe his Majesties Kingdomes in blood and  
 confusione, and to encourage and strengthen his enimies, did  
 rise, convene and assemble your selvs together in armes, and upon  
 the . . . day of November Last did marche to, and enter within his  
 Majesties toun of *Drumfries*, in ane hostile maner with your drawn  
 swords and other armes, and did besett the hous where *Sir James  
Turner*, one of the Officers of his Majesties forces was Lodged  
 for the tyme, and did violently seise upon the said *Sir James* his  
 person and goods within his Lodging, and did detaine and cary  
 him about with yow captive, and as a Lawfull prisoner taken from ane  
 enimie, and did search for and wold have taken the minister of the  
 said toun, giff he had not escaped; and whill ye wer in the said  
 toun, ye and your complices did many other acts of insolence and  
 rebellione, and haveing in maner foresaid, openly avowed and pro-  
 claimed your rebellione, in so publick and insolent a way, to the  
 greate contempt and affront of authority, ye and your complices,  
 in pursuance theroff, be yourselvs and others your emissaries and in-  
 struments, sent up and down through the country, of purpose to be  
 trumpets of your seditione, did convocate his Majesties people and  
 subjects, and did endeavour to stirr them up and perswade them  
 to joyne in the foresaid rebellione, and did seise upon the persons, hor-  
 ses and armes, and plunder and ruffle the goods and houses of divers  
 his Majesties good subjects, and inspeciall of faithfull and Loyall mi-  
 nisters, and be seditious sermons, insinuations and other practises,  
 did so farr prevaill within the *Stewartry of Kirkcudbright*, and shire  
 of

of *Wigtoune*, and Shires of *Aire*, *Lanerck* and other westerne Shires, the many persons flocking and resorting to yow, ye had the boldness to send ane considerable party to his Majesties town of *Aire*, and did seise upon and take all the armes was there, and not being content to proceede to the height of rebellione in maner foresaid, ye and your complices did presume, to regulate your monstrous and irregulare rebellione, in the formalitie and frame, and under the name and notione of ane army, and to forme and modell yourselfs in troupes, companies, reigments, and to name captains of foot, commanders of troupes and othr officers, under the command of *James Wallace of Achens*, *Joseph Lermond* and other persons of knowen disaffectione to his Majestie and his Government! and though his Majesties Lievetenant Generall did marche speedily, for repressing the said rebellione and insurrectione, and his Majesties privy Councell did emitt and issue ane proclamatione, declareing the said insurrectione, to be ane manifest and horrid rebellione and high treason, and commanding the saids rebels to desist and Lay down armes, with certificatione giff they should continue in their rebellione, they should be proceeded against as desperate and incorrigible traitours, and discharging all his Majesties subjects to joyne, recept, supply or intercommune with them, and commanding them to rise and joyne with his Majesties Lievetenant Generall, and the forces under him, under the paine of treason: Yet ye and your complices did obstinately continue, and marche in armes through the country with your modelled army, as giff yow had been ane enimie, and in capacity to encounter, and dispute by armes with your Sovereigne Lord and his forces, and did in ane warrlick and hostill maner and posture, enter within his Majesties town of *Lanerck*, and there upon munday the 26<sup>th</sup>. of November Last, to palliate your rebellione with the colour of religion, did renewe and take the oath of the covenante, and Thence did Marche, quartering all allongst upon, and oppressing his Majesties subjects, untill ye had the boldness and confidence to approche, within two myles of his Majesties city of *Edinbrugh*, where his Majesties judicatories and Lords of his Majesties privy Councell and Sessione wer sitting for the tyme, and haveing quartered all night within the parish of Collingtoun, at so neare a distance from the said city, ye and your complices, upon wednsday the 28<sup>th</sup>. of the said month of November Last did dare and presume to encounter,

engage and fight his Majesties army and forces, under the command and conduct of his Majesties Lievteneant Generall, and other Officers, at Pentland hills, and did wound and kill in the said fight and conflict, divers of his Majesties good subjects, and did all ye could to distroy his Majesties army, untill, be the mercy of God, and conduct and valour of his Majesties Lievteneant Generall, and other Officers and Souldiers under him, ye wer vanquished, routed and dissipated, in doeing of which, and ane or other of the saids deeds, ye have committed and incurred the cryme and paine of treason, and are guiltie of being authors, actors, abbetters and accessory to the said rebellione, and are airt and parte of the same, and therfor yow, and ilk ane of yow, ought to be examplarilie punished with the Loss and forfaiture of Lyfe, Land and goods, as traitours to his Majestie, to the terrour and example of others to committ the lyke heerafter.

## PERSEWERS

*Sr. John Nisbete of Dirletoun knight  
his Majesties Advocate.*

Advocats

## PROCURATORS IN DEFENCE

*{ Sr. George Lockhart.  
Sr. George Mc. Keinzie.  
Mr. William Maxwell.  
Mr. William Hamilton.  
Mr. Robert Dickson.*

My Lord Advocate produced ane act, and ordinance of his Majesties Secrete Councell, bearing that the Lords of his Majesties privy Councell, ordained *Sr. John Nisbete* his Majesties advocate, to persew with all diligence a process of forfaiture, before the justices, against *Thomas Paterson* in Glasgow, *Major John M. Culloch*, *John Parker Walker*, *John Gordone* of Knockbrecks, *Robert Gordone* his Brother, *John Ross* in Mauchline, *John Shiels* tenent to *Sr. George Maxwell*, *Gavine Hamilton*, *Captain Androw Arnot*, *James Hamilton* in Killmoore and *Christopher Strang*, Prisoners in Edinburgh, for their Late rebellious insurrectione against his Majestie. *Ext. sic subscriptur.*

*Pet: Wedderburne.*

**C**ompeired *Sr. George Lockhart*, *Sr. George Mc. Keinzie*, *Mr. William Maxwell*, *Mr. William Hamilton*, and *Mr. Robert Dickson*, Advocats, and produced ane act of his Majesties privy Coun-

Councell, dated at *Edinbrugh* the fourth of December instant, grant power and warrant to the forenamed persons, to compeir and plead for all those persons, who are to be impannelled before the justices, upon this day, for rebellione. *Ext. sic subscribitur.*

*Pet: Wedderburne.*

### A S S I S A.

<i>Sr. Alexr. Vrgubart of Cromartie.</i>	<i>Walter Forbes of Blacktoun.</i>
<i>Sr. Harie Hume of Heidrig</i>	<i>Adame Hepburne of Humbie.</i>
<i>Sr. Lawrence Scote of Clerkintone.</i>	<i>Alexr. Sandilands Merchant in Edinb.</i>
<i>Sr. Alexr. Forbes of Tolquhane.</i>	<i>John Johnstone Merchant there.</i>
<i>John Hume Servitor to the E. of Hume.</i>	<i>William Hay Merchant There.</i>

*Walter Burne Merchant in Edenbrugh.*

*John Lyon Merchant There.*

*John Mc. Gill Merchant There.*

*James Cowane Merchant There.*

*George Grahame of Cairny.*

*Master William Maxwell* for the pannals alleadges, the pannals cannot pass to the knowledge of ane assise upon this endytment, nor no process against them upon this citatione, becaus this being ane indytment of treason, all charges to be given to persons so indyted ought to be by a Lyon Herauld, Pursivant or Macer, and is so ordained by act of Parliament Jam: 6. p. 12. Cap. 125, in Anno 1492: But so it is that thirr pannals are not charged by heraulds, Pursivants or Macers, conforme to the act, and therefore are not obliedged to answer.

My Lord Advocate answers to the alledgiance that it ought to be repelled as no ways relevant, becaus, the act of Parliament doth militate only in the case, when any person is charged be letters of treason, to deliver their houses, or doe any other thing under the pain of treason, and doeth not militat in the case of citations, and specially in this case, where the parties are imprisoned, and the dayly uncontraverted practick is opposed, their being nothing more ordinary, then the person guilty of crymes, and especialy of treason, and being in hands and prisone for the same, should be brought to tryall, without any other formality or citatione, but giving them a dittay.

*Sr. George Lockhart* for the pannals replies, that the defence stands relevant, notwithstanding of the answer, because, the act  
of

of Parliament is opposed, which bears the express reasons thereof to be founded, upon the importance and weightiness of the crime of treason, which equally militates, whether the parties accused of such crimes be in prison yea or no, and practice and custom has cleared the sense of the said act of Parliament for it is not our and Known that all indyments of treason, before the Last act of Parliament, given to parties accused thereof, albeit in prison, yet was done by heralds and pursuivants, as being the solemnity required by the said act and there is no warrant from the act of Parliament, to restrict it to the case of charging for delivery of houses or the like.

*Sr. George Mc. Keenzie* for the pannels, says farther, that the defence stands relevant notwithstanding of the answer, seeing an indyment is a summons and citation, and the act of Parliament is opposed, declaring that if any other execution of treason shall be other ways execute, the same shall be null, and the particle, *any*, comprehends all, and therefore the act is conceived in the same terms, as if it had said expressly, that all executions of treason not execute in manner for said shall be null; And *Skene* does explain the same in manner for said, Neither can the act of Parliament be restricted, to executions anent delivering of houses, seeing after that part of the act is finished, this begins with a new distinction and item.

My Lord Advocate replies, the former answer, and act of Parliament opposed, being clear and express anent charges and executions under the pain of treason, whereas the ditty and charge given to the pannels, bears no certification that they should appear under the pain of treason, and cannot be subsumed, conforme to the act of Parliament, that the execution in question is an execution under the pain of treason; and for the citation, the time of the late Parliament it cannot be obtruded, because such solemnity, if any was used before so high a judicatory as the Parliament, was unnecessary and superfluous, and *superflua non nocent*, and cannot be urged as a practice.

Mr. William Maxwell for the pannels, replies, that the defence stands relevant, notwithstanding of the replies, that whereas it is alledged, that the act is only where there is a certification under the pain of treason, but this ditty bears no certification of such a pain: It is answered, that the ditty concludes the pain of treason, so that the certification and conclusion are idem; And there is no Letters for

trea-



treafone, or indytment for treafone, but the pain and certificatione is treafone, and fo the defence ftands good from the act of Parliament; and whereas it is alleadged, that the citations before the Parliament be Heraulds, the Parliament being fo fupreme a judicatory, was fupervacuous; It is answered, the Parliament being a fupreme judicatory, they might the better difpenfe with it, and yet all thefe charges was by Lyon Heraulds, but the juftices in their proceedings are tyed to proceed, conforme to the Laws of the Kingdome.

*The Juftices repells the allegiance proponed for the pannals in refpect of the reply.*

Sr. George Lokhart for the pannals alleadges, that the dittay cannot be put to the knowledge of ane affise, whereupon to infer and conclude the pain of death againft the pannals, becaufe, always denying the dittay, yet albeit the pannals had been accessory to the acts and deeds of rebellione lybelled, yet as it is acknowledged be the dittay it self, They did frame and modell themselves, in the notione of Officers, Regiments, Companies, and were affaulted be his Majesties Lievtenant Generall and forces, who, be vertue of his capacity and commiffione, he and all Officers and Souldiers under his Command, might, and *de facto* did, upon the takeing and apprehenfione of the pannals, grant them quarter whereupon they were taken and laid down their armes, and which quarter being *publica fides*, and offered and granted to the pannals in manner forfaid, fhould be inviolably obferved, and fecure them as to their Lyves.

My Lord Advocate answers that the former alledgiance ought to be Repelled, as moft irrelevant, and haveing no ground and foundation in Lawe; And as to that pretence that is acknowledged in the dittay, that the pannals and their Complices who joyned with them in the late Rebellione, did modell themselves, in Companies and Regiments and in ane army; It is moft abfurd to infer from that, which is lybelled as a heinous aggravatione of their prefumptione and Rebellione, that they fhould have had the boldnefs, as to put or think themfelves in a capacity, to difpute by armes with their Sovereigne Lord, and Mafter, fhould be a ground of defence or extenuatione, And as to that assertion, that the Generall, and not only he but his inferior officers, and the meanest of his Souldiers, was in a capacity to grant quarters, and to fecure the Lyves of Rebels and traitours; It is a moft unwarrantable and illegall assertion, and with all refpect to

to the gentlemen that opones the same, it is answered, that it is ane allegiance, most derogative to his Majesties royall power and prerogative, who only has power to remitte Crymes, and in speciall, treason, the greatest of crymes, so that either to assume, or to give and prostitute so high a prerogative, to any other persons and especially to officers and common souldiers, it does reflect upon his Royall Majestie, Unless it were relevantly alleadged, that his Majestie had, be his commission, given so high power expressly to his generall and Souldiers, to remitte and secure the Lyves of traitors, which cannot be fancied much lesse alleadged: And as to the poynt and pretence of quarters, and that *ipso facto* thir persons being found in armes, got quarters and were secured as to their Lyves, even in other cases, it is not questionable; And though *ex honestate* it may be pretended; that in *bello justo*, the persons that are taken upon quarters may be spared, yet *ex necessitate*, there is no obligation to that purpose, except when ane express capitulatione and *doctrina*, and explicite pact one to that effect is expressed; but in this case, it is without all question, where there is not *bellum justum*, but *perduellio*, there is not *hostes*, but *pradores*, there is not the least shadow of pretence for the plea of quarters, except his Majestie had expressly impowered his generall, and all under him to secure the Lyves, of rebels subdued by them. And that we are not in the case of *bellum justum*, which is only betwixt Princes or states, that has no dependance one upon another, and cannot debate and decide the difference, but be the Law of armes, and *bellum est interpretis judicium in Subditos*. And that in this case there is no *jura belli*, either *postliminium*, quarters or such lyke, being by the common Law, *resistentia subditorum* is altogether forbidden as unlawfull, and they are not *hostes* but *pradores*, and be the Law of this natione, and specially the acts of Parliament that are cited in the dittay, it is not war or *bellum*, but treason in the highest degree, for any number of his Majesties subjects to ryse in armes without (though it were not against) his Majesties authority, as in the case of this rebellione, so that being we are not in the case of *bellum*, this pretence being founded upon a pretendit *bellum justum*, is most irrelevant, specially being considered, that his Majesties Councell, in perrformance of their duty, for repressing the said rebellione and treason, has emitted a proclamatione, foundit upon the common Lawes, and the Lawes of the Kingdome, declaringe the samyne to be rebellione and high treason, and

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commands the rebels to Lay down armes, with certificatione that if they should continue in armes, they should be holden and proceeded against as desperate and incorrigible traitours, and should be incapable of all mercie or pardone.

Sr. George Mc. Keinzie for the pannals alleedges, that the pannals, and such as appear for them (except *Armoie*, for whom they doe not alleedge the getting of quarter) doo with all submissione to his Majesties prerogative, propone both the forsaide defence and this duply, intending to assert his Majesties prerogative, by sheltering themselves under his mercie, and acknowledging that his power is so great, that the meanest of his souldiers can give quarters, and vvithout debating the justnes of the vvar, vvhich they here declayne, it is alleadged for them, that *Capii in bello*, abstracting from *justum* or *injustum*, are in its latitude capable of quarter, and quarters being given them by such as are listed souldiers, doth secure them as to their lyfe, seing *eo ipso* that souldiers are commissioneate and listed, they have povver for that vvhich is necessarily inherent in their imployment, and quarter uses to be valued *jure belli*, vvhen given by the meanest souldier, for such only uses to give quarter, generall persons and superior officers not being ordinarily in use to take prisoners, so that seing these had povver to give (which is only here controvertible) vvhen given, it is valid, vvithout debateing the justnes of the vvar, for seing any of the pannals, being then in armes, might have disputed and defended his own lyfe, and might have possibly reached the Lyves of the greatest that opposed them, in accepting of quarters and laying aside these armes, they have in effect ransomed their ovvn lyfe, and exchanged it in favours of his Majestie and his forces vvith the lyves of others; And many Lavvyers debateing this subject, call this a transaition, and that it should be kept upon that acmpt, as namely *Grotius* in his 11 Chap. 14. parag. 3. book. where he debates this case indefinitely, and *Claudius de Cotte de jure & privilegiis militum. Paris de Puteo de re militare*. And in reasone, Souldiers, who may defend ther own lyfe, are not oblidge, nor is it in use when quarters are offered them, to seek the granters commissione, seing *nec mora patitur nec est consentaneum natura actus*, private Souldiers being in use generally to grant the same, and what is customarie *semper inest*, except it be expressly forbidden, and the prohibition so known to the transgressors, that they are thereby put in

*mala fide.* And the difference betwixt *quando justum & injustum*, Lyes not here, seing the reason of quarter is the spareing in prudence the blood of the one party, and conserving in humanity that of the other, the one wherof, is at least common to both *bellum justum & injustum*, bot the difference is, that in *bello justo*, prisoners taken (though without quarter) cannot be killed, bot in *injusto* they may, except they have quarter, and that quarter is given betwixt King and subjects, when formed once (whither justly or unjustly) in modelled armies, which is offered to be proven by persons that understand that trade, to have been actually allowed betwixt the Hollanders and the King of Spain, betwixt the protestant Rotchellers in France and the King, and allowed by his Majesties forces in the Hills, and the rebellious English, though there was no just war amongst those parties, upon the ground forsaide, Neither is it debated that any bot his Majestie can grant remissions; bot in Listed Souldiers their giving of quarters, his Majestie doth in effect give it, and seing neither armies nor Souldiers could subsist without quarter, *quando aliquid conceditur omnis concessa videtur sine quibus principale concessum consistere nequit*, and as the Councell for seen reasons, might without expresse warrand from his Majestie, have secured upon submissione the lives of those prisoners, so might much more Souldiers, whose proper trade and calling it is.

Sr. George Lokhart for the pannals answers farther, that the forsaide reply for the pannals, foundit upon the offering of quarters, and the pannals accepting of the samyne, stands relevant, and is no way elided by the forsaide answer, and that there may be no mistake of what the pannals and their procurators plead, under the terms and notione of quarters, it is condescendit that quarter, mentioned in the defences, proponed and understood in thir termes, viz that the pannals, being in armes and actuall resistance, and not in the power of the takers, did give up their armes and became in the power of the takers, upon the granting of quarter, and, that quarter so given, should in Law operate the security of the lives of the persons so taken, is evident and apparent, in suae far as it is a transacione and pactione and *fides data est accepta*, and accordingly fulfilled upon the parte of those who were taken, and in Law all pactions and transacions, being *justitia commutativa*, it abstracts and does not

consider the quality and merite of persons, bot the termes, fence and meaning of such pactions and transactions: And whereas its pretendit that the granters of quarters, specially mean Soldiers, had no power to doe the same, as intrenching upon his Majesties prerogative; its answered, that it ought to be repelled, because what his Majesties Officers and Souldiers did act, consequently and suitably to the nature of their offices, and to the exercise of their duties, did flow from, and was warranted by his Majesties authoritie, so that they ought not to be contradictinguiſhed, the authoritie of his Majesties Officers and Souldiers, being derived from his Majesty, as the fountain of the same, but specially in this case, where first before they did enter in fight, there was no discharge nor prohibition as to the granting of quarter, bot on the contrary, the Lieutenant Generall and all the Officers being present, were witnesses to the granting of quarter, and thereby the same was not acts of simple Souldiers, but acts warrantit and authorisid, by the knowledge and allowance of persons haveing supream commands: And as to that parte, that there was not *bellum justum* upon the parte of the pannals and their complices, it is answered, that the pannals doeth with all submissione and humility acknowledge the same, but the consequence that can be inferred thereupon, is not that quarter given should not be observed, bot that quarter might have been justly refused; and there is no doubt, bot *jura belli*, which doe naturally arise, without expresse covenant and pactione, cannot be extendit to this case, bot notwithstanding thereof, where quarter was granted in maner forsaide, it cannot be to interpret in Law or reason, as to be a snare to any who were resisting the power of the granters justly or unjustly; And its a common and known distinctione *inter deditos & Captos*, the first being in the case of a simple surrender, which can import no more but at most a submissione upon mercie; bot is far otherways in the case of persons taken upon the expresse termes of granting and accepting quarter, and that this position is neither absurd nor illegall, nor destitute of the authoritie of eminent Lawyers, and the practises of most famous and military nations, may appear from the judicious and learned *Grocius*, who hes write *ex instituto*, and most excellently upon the same subject, which he entitles *de jura belli & pacis*. And who in his nynteenth chaper. 3. book. Entitulate *de fide inter hostes*

6. paragraph. after having premised what does import *fides*, which he resolves not only to be inferred from write and words, bot even from sense knownen and customary, he does expressly state this question, *quid ergo dicemus de subsidiorū bellis adversus reges aliasq; summas potestates?* Where he resolves the questione upon the former ground, that pactione and transaction does abstract from the quality and demerite of persons, that *illis etiam fides data servanda est, & generaliter fidem datam servandam etiam perfidis*, and the reason is clear, becaus there is no apparent reason why the granters of quarters, having interponed their faith, why they should violate the same. And as to that pretence, that non grants quarters bot these who remits the cryme of treason, its answered that its humbly conceived there is a vast disparity, for in the act of remissione of either the cryme of treason or any other, its *pura oblatio*, and the sole act of the granter, whereas the granting of quarters is by way of pactione and transaction, in *impetu & furore belli*, and in contemplatione wherof, the persons, supposcing themselves secured, as to their lives, by quarter became in the power of the granters without resistance. And as to that ground that his Majestie, by the authoritie of the Lords of his privy councill, did emit a proclamatione declaring, that the convocatione lybelled was a rebellion, and that all who were accessory thereto, gif they did not lay down their armes should be incapable of mercy; Its answered first, that this proclamatione was not intimate to the pannals, nor did consist in their knowledge, yet suppose it had been known, it cannot elide the quarter granted to the pannals, becaus notwithstanding of any such proclamatione, his Majesties Officers and Souldiers did grant the samyne, long after the emitting of the proclamatione, and the pannals were *in optima fide*, finding his Majesties Officers and Souldiers willing who cannot be supposed bot to have known his Majestie and the Lords of his privy Councill their sence and meaning of the proclamatione, which behooved to have restrained them from giving of quarter, yet notwithstanding seing the samyne was granted, the pannals had reason to beleve that they were sufficiently warranted to that effect, and hes rested upon their faith in accepting the samyne, and albeit be proclamatione, they were declared incapable of mercy, that neither in reason or words can be interpreted to the case of quarter, which was not ane act of simple mercy bot upon pactione and transactione.



Sr. George M. Keinzie adds to this former alleagiance, that pactio<sup>n</sup>s betwixt King and subjects, though they cannot be forced, and it is rebellione in subjects to require them, yet being once made, they not only are ordinarily kept among all nations, bot his Majestie who now reigns, haveing made with the greatest of the rebels a more dishonorable pacti<sup>o</sup>ne, did observe the samyne, viz the Parliament 1649, which his Majestie ordered to be observed by ane expresse order.

My Lord Advocate answers and triplies, *primo*, though we were in *bello* as we are not, and in the case of quarter, yet the alleagiance is no ways relevant as its proponed and qualified, and its not condescended, what persons did give quarters to the pannals or any of them, nor in what termes, and to infer quarters and impunity from the naked taking of the pannals, and becaus they are prisoners, its without any Law or reasone, seeing the pannals might have been overpowered and taken, and its to be presumed, that his Majesties army being more numerous and victorious, that they were overpowered and vanquished, and that they were not taken either upon ane expresse or ane implicate conditione or capitulatione, and the rebels being routed, it cannot be thought that his Majesties Officers and Souldiers and persons of such valour, would have given quarters, upon a compt of a pretended transacti<sup>o</sup>ne, and in order to their own safety, and that they wold owe their lives dishonorably to traitours. *Secundo*. The former answer is repeated, and it is most evident that we are not in the case of quarters, and though, where there is *bellum*, and where there is the relatione of *hostes*, it may be pretended that quarters ought to be observed, with abstractione from the quality of the difference of the war, whether just or unjust, as when war is betwixt his Majestie and any his neighbour Princes and estates, though it be unjust upon the parte of these enemies, quarters may and ought to be kept, yet in this case, where there is no *bellum* bot *rebellio & proditio & lesio Majestatis*, where there is not *hostes* bot *predones*, such as all persons are, that are in the conditione of the pannals, who perfidiously doth rise up against their Sovereigne Lord, there can be no pretence for any privilegedge of *jus belli* and of quarters. And as to that pretence, that *fides publica est servanda*, its without all questione that when *fides* is given be ane expresse treaty, not only between his Majestie and any other stranger Princes or states, bot betwixt his Majestie and his

his subjects, be ane act of pacificatione or any other treaty, ought to be observed religiously, bot we are not in the case where *fides publica* is given either be his Majestie, or any authorised by him, and haveing expresse power to that purpose, and that his Majesties Generall, or his Officers or Souldiers, hes power to grant any such *fides*, unless the commissione were expresse to that purpose, is *petitio principii*, and is altogether denied, and that the most that quarters can importe in this case, though it could be made out that quarters were granted, is, that the Generall, or his Officers and Souldiers, be granting of quarters; might have secured them as to that which were in their power, viz that they should not then be presently cut off, bot that they should have secured them from that which was not in their power, from the just-stroke of justice, is altogether denied. And as to the pretence of transactions, and the reasons and arguments adduced for the pannals to that purpose, if there were any weight therin, the most it could operate, were to be motives for making a Law to that purpose, that his Majesties Officers, *eo ipso* that they are in power to serve under him, should have power by granting of quarters, to secure the Lives of traitours; Bot there is no such Law, and a Generall being commissioneate, and haveing gone to suppress rebels, without any hint to the purpose forsaide, the defence being neither founded on the common Law, nor upon Lawes nor acts of Parliament known in this country, is most irrelevant, specially being considered that it is ane undoubted principle, that treason, being of so high a nature, cannot be remitted bot be ane immediate grant and remission of his Majestie under the great seal, or some persone haveing commissione, under the great seal expressly. As to the Authority from the Lawyers mentioned in the alleadgiance, they are bot the opinions of private men, and does not amount to the authoritie of a Law, specially in this Kingdome, there being clear and expresse acts of Parliament, and fundamentall Lawes, that his Majesties Lieges and people should be governed and judged be his Majesties Lawes alleenly, and not by the Lawes of any natione; and much less be the simple opinions and School-dictates of Lawyers; Lykas the said authorities, though they were of any weight, they doe not meet nor quadrate the case *in questione*, in respect they are only the case of *bellum*, as said is, or when there are expresse and publick transactions, be treaties, edicts or acts of honesty and oblivione; and *Grotius*, though  
he

the might be suspect, as being the subject of an estate who had shaken of the government of their Prince, yet he is most clear in the case, that there is no *bellum* betwixt *subditi* and their soveraign Lord, and that *resistentia subditorum* is *versita omni jure*, and cannot pretend to the *jura* and rights and priviledges of war, unless the soveraign authoritie be pleased to condescend so far, as to capitulate expressly and treat with the subjects; And its a most groundless pretence, that of a transa<sup>c</sup>tione, between the Generall, or any Souldiers or Officers as to the matter of quarters, seing it cannot be said that the Generall had power, to transact be ane expresse capitulatione betwixt him and the rebels: And it is without all question, that the Generall could not have secured the rebels of this army, be a transa<sup>c</sup>tione be himself, without expresse warrand from his Majestie, or from his counsell, and consequently seing by a downright and expresse transa<sup>c</sup>tione of treating, he could not secure traitours, Its *gratis* and without warrand asserted, that he, and much less his Officers and comon Souldiers, could be a pretended implicate transa<sup>c</sup>tione, secure and indemnify traitours; and it is without all question, notwithstanding of the pretences in the contrare, that the Generall had no power to grant the said security; if his commissione had related to quarters, as it could not doe in this case, haveing to doe with rebels and traitours, and not with ane enemy, and if his commission had been expresse, that he should not have power to secure the rebels by quarters, bot that they should be altogether incapable of mercy, no persone could have the confidence to assert, that he would grant quarters in the case foresaid, and it is clear that we are in a stronger case, seing the Generall had no such commissione and power to grant quarters, And the Councell be their proclamatione foresaid, does declare the rebels as said is incapable of pardone, which being intimate to the Generall, and being sent to him, and intimate to all persons concerned by proclamatione, to pleade in pretence of *ignorantia* or *bona fides* is most frivolous and unwarrantable, seing *ignorantia juris nemini prodesse debet*, and its their own fault, if, being ingadged and bu<sup>s</sup>shied in their rebellious course, they did not come to the knowledge of the said proclamatione, being founded upon the common Lawe, and the Law of the Kingdome; It being a principle of both, that traitours are *nulli*, and no men in the constru-

*Elione* of Lawe, As to any benefite and capacity of any pretendit transactione, and as to the instances from the practices of Spain, Holland, France and other Kingdomes, they doe no ways quadrate in this case, the samyne being as said is of *publica edita*, and exprefs treaties and transactions, in respect of all which the defence ought to be repelled.

*Mr. William Maxwell* for the pannals quadruplyes, that where as it is answered, that the defence is not definitely qualified, nor condescended upon the persons granters of quarters, and in what maner; It is answered, that it shall be condescended upon in write who granted the samyne, being listed Souldiers and Officers under the Generall, and as for the maner, the same was in usuall forme that quarters are granted, viz assurance of their Lives from those who granted quarters: Next, where it is alleadged, that quarters cannot be presumed to have been granted, his Majesties army being victorious and the other party routed, who alleadges to have gotten quarters, its answered, that no suppositione can be admitted, against a positive defence which is offered to be proven; As for the third, whereby it is alleadged there can be no quarters sustained as Lawfull, but where the war is just, which cannot be in this case between his Majesties Generall and the rebells, It is answered, that the pannals oppons their former answer; and adds that the question is not here in the Lawfulness of the pannals quarrel, but whether or no his Majesties Lievttenant Generall, being constitute as a Generall, be his commissione, could give quarters or not: which the pannals mantains he had power to doe, being his Majesties Lievttenant Generall, by commissione, neither needed any such exprefs power be insert in his commission, for giving of quarters, becaus *inerat* in his commission, and every listed Officer and Souldier under him, he haveing the said commissione, the like power, as any other Princes Generall and others under him hes, and to hold the contrare it seems strange, for it was never called in questione in any nation heretofore, nor did ever his Majestie or his Royall father, call in questione the quarters granted by their Generall Officers, or listed Souldiers under him in the fields, but esteemed the same ever sacred, to be kept even unto these, who were in a modell of ane army of rebellione in the tyme, and if quarters should not be kept, but elided by a secondary way of panningalling.

calling the persons receivers of the quarters, it should both intrench  
 upon the word of the Generall his commissione, and Souldiers, to  
 whom hereafter non may give trust, especially in a mater of sua high  
 concernment, after their Lyves are secured to them be quarters. And  
 as for the alleadgiance, that the Generall could not treat or assure  
 them by a publick transaſſione, without the consent of his Majestie  
 or his counsell, the pannals first Leaves that to the consideration of  
 his Majestie and his secret Councell, giff the Generall being clade with  
 a commissione from his Majestie, hes not power to treat, to grant  
 quarters or receive any of those who are in rebellione to peace, where in  
 his commissione is ample and not restrictive; The pannals answers no  
 further, but oppones the amplitude of the commissione, the constant  
 course observed be his Majestie, and his fathers Generalls of before,  
 the assurance given for their Lyves by the quarter, and the dangerous  
 consequence may insue thereupon: And where as its alleadged, that  
 the pannals, being traitours the quarters cannot operate for them,  
 to exile them from the tryall, and inflicting the punishment conforme  
 to the Law of the Kingdome, since they must be ruled by the Lawes  
 of the Kingdome, and there is no Law that can warrand their rebel-  
 lion, or exeem them from the punishment due to rebels; It is answered,  
 that the case now in debate is, whether quarters given to persons,  
 modelled in ane army in the fields, giff they haveing received quar-  
 ters, there being no Law to discharge their Generall to give quar-  
 ters, if they did not Lawfully accept therof, he Lawfully grant it;  
 for albeit the Lawes of this Kingdome rules in tyme of peace amongst  
 all the subjects, bot in the tyme of war, where there is two armies  
 in the fields, there the Law of armes takes place, and the Law of na-  
 tions, whereupon the faith given in quarters is founded, most be  
 kept, and never was broken. And as for the alleadgiance, that giff  
 the Generall had been restrained by the commissione to give quarters,  
 the quarters given be him could not be respected, and that its alleadged  
 the case is alyk here, there being a proclamatione emitted be the Coun-  
 cell, declareing the pannals actings to be rebellione, and that they  
 were commanded be the same, to Lay down their armes within a cer-  
 taine space, otherways to be proceeded against as the worst of re-  
 bells and traitours, and not to have mercy; It is answered, first,  
 that proclamatione does no ways derogate to the Generalls commissione  
 which remained as absolute as before, so long as he remained in the  
 fields,

fields, nor does the Councell, be the said proclamatione discharge him to give quarters, therby to retrench the power of his commiffione; Secondly, the proclamatione could not be knowne to the pannals, who could not have acceſſe to the mercate croſſe, where the ſamyne was to be promulgate, Proclamations at mercate croſſes being the courſe of making knowne the Councells pleaſure in peaceable tymes, bot the courſe of war is when two armies in the fields, the one ſends a trumpet with a proclamatione to intimate the ſame; Thirdly, They not knowing the proclamatione in the tyme of the conflict, and the pannals being required to Lay down armes, ſhowing it was the Councells will, and quarters being given there upon, as they would have had a good defence, if they had laid down armes within the tyme preſcribed be the proclamatione, if the ſame had come to their knowledge, ſo lykways in this caſe, being intimate to them the tyme of the quarters, and they having given obedience there to, upon aſſurance of their Lives, ought not to be broken, in reſpect where of the defence ſtands relevant notwithstanding of the former triply.

*Sr. George Mc. Keimzie* for the pannals adds, that the ſubject matter of this debate is the Law of armes, and ther being no expreſſe poſitive Law to regulate the ſame, its offered to be proven, by ſuch as underſtand the Law of armes, that quarter is allowed where ſubjects in armes ryſes againſt their Prince, though given bot by private Souldiers; except there be ane expreſſe prohibitione in the contrary, Lykas it is offered to be proven be the Generall, Lieutenant Generall and other Officers, that in this caſe, they either gave quarter, or allowed the giving of quarter, and that honor being concerned, it is hoped, that the Juſtices will advyſe with the Councell, by whoſe commiſſione they act it, and againſt whoſe order this debate will infer he hes malverſed; And it is not knowne upon what acompt he thought himſelf authoriſed, to give or allow the giving of quarrer, of which he himſelf can only give ane acompt, and all the liedges in the natione are here concerned, ſeing in all ſubſequent and ſupervenient broyls, everie man to make ſure ſhall cute his neighbours throat, ſo that the innocent ſhall have no defence, and rebels ſhall be fortified in their courage, and neceſſity, which legitimates all other acts, in the opinion of ſuch as in *furore belli* conſult with nothing but with their ſafety, will obdure them much more then formerly, and of ordinary rebell make them inſupportable traitours and rebels, and that place in the



*Kings, spoken of by ane of the Prophets to a King of Israell, is here remembered, (wilt thou take the lyfe of those whom thou hast taken by thy bow and sword.)*

*Mr. William Maxwell* for the pannall *John Shiels* in *Tiswood* alledges, the conclusion of the dittay cannot be infered against him, becaus its offered to be proven, that he was in the army with his Majesties Generall, the tyme of the proclamacione, which coming to his knowledge, if he had any armes then, he was willing to Lay them down, and so have obeyed the proclamacione, by his willingness if he had been in the field, so that iff he had been out with the rest of the pannals, he wold have had the benefite of the said proclamacione, and being then in firmance and prisoner with the Generall, and being most willing to obey the proclamacione, the conclusion cannot be infered against him: And wheras the proclamacione, even for these who should give obedienc therto, the effect thereof to them could be to come to mercy, the pannal does humbly conceive, that the Councils meaning was never to take the Lives of these who obeyed the proclamacione, specially seing the certificatione is expresse, that to such as are disobedient, they should be proceeded against as traitours without mercy, which clearly includes mercy to the obedient.

*Mr. Robert Dickson* for the pannall *John Ross*, repeats the wholl former defences upon the benefite of quarter, and repeats the last defence proponed for *John Shiell*, and humbly craves the benefite of his Majesties proclamacione.

*My Lord Advocate* answers shortly to the alleadgiance for *Shiell* and *Ross*, that the same merits no answer, in respect the saids persons were taken as spies and emissaries, for giving intelligence to the rebels, and were prisoners for the tyme, and their armes being taken from them upon the occasion foresaid, they could not Lay down the same, nor plead the benefite of the proclamacione, conceiving these who should be in armes, the tyme of the issuing and proclameing the samyne, whatever the import and benefite and extent of the proclamacione be, which the persuer neither doeth nor is concerned to dispute in the case of the saids pannals.

*The justices Repells the defence, duply and quadruply proponed for the pannals, in respect of the Reply and triply proponed be his Majesties Advocate: As also the defence proponed for Shiel and Ross, in respect of the Replie, And ordains the dittay to pass to the knowledge of ane inquest.*

The assise Lawfullie sworn no objectione in the contrary;

My Lord Advocate, for proving the dittay, produces the pannals confessionne, made to the Lords of his Majesties privy Councell, and a *committe* of them, wherof the tenor followes: Viz the said *Captain Arnote* did confess, that he did joyne with the rebellious party in the west at *Aire*, and came alongst with them in their marche to this country, and that he did accept the command of one of their troops, and did ryd upon the head therof; That he came with them to *Lanerck*, and took the *covenant* with them there, and did ryd alongst with them to *Bathgate*, *Collintonne* and *Pentland* and was at the late fight in armes, with his sword drawn. The said Major *John M. Culloch* did confesse, that he joynd with the rebels at *Aire*, and came with them to *Lanerck*, and there took the *covenant* with them, and continued with them in armes and rebellione, untill wednsday the day of the conflict at *Pentland*, where he was in armes and taken prisoner. The said *Gavine Hamilton* did confess, that he joynd with the rebels, and came along with them, and that he was in *M. Cleiland* of *Barscobs* troop, and was in armes at the fight of *Pentland*, where he was taken. The said *John Gordone* did confess, he joynd with the rebels before he came to *Lanerck*, where, haveing taken the *covenant* with them, he marched and came along with them to *Collintonne* and *Pentland*, on Horsback and in armes, with them at the conflict, where the rebels, were defeate. The said *Christopher strang* did confess, that he joynd with the rebels, and was at *Lanerck* with them, and took the *covenant*, and came alongst with them to *Pentland*, and was ane Horsman, in armes with sword and Pistols, under the command of *Captaine Patoune* comander of one of the rebels troups, and was in armes at the Late conflict. The said *Robert Gordone* did confess, that he joynd with the rebels at *Douglas*, and came along with them, and had charge as a cornet of a troop of hors, where of *Maxwell* younger of *Monrieff* was Captaine, And that he was in armes with the rebels at the Late conflict;

conflict. The said *John Parker* did confes, that he joynd in armes with the rebellious party in the west, and came alongst with them to *Penland*, and was there under the command of *Collonell Wallace*. The said *John Ross* did confes, that he joynd with the rebells in the west, and that at the desire of *Mr. John Guthrie*, one of the Officers of the party, he went alongst to discover, giff the Kings forces were comeing to *Kilmarnock*, being in armes and haveing Pistols with him, and going alongst with *John Shiels* and other persons, to bring the rebells intelligence. The said *James Hamilton* did confes, that he joynd with the rebellious party, and was with them at *Lanerk*, where he did take the *covenant*, and marched alongst with them in *Barcobs* troope, with sword and Pistols, and came alongst with them to *Collingtone*, and from thence to *Penland*, and was their in armes when the rebells were defeate. The said *John Shiels* did confes, that he joynd with the rebellious party in the west; and that he was employed, and did goe at the desire of *Mr. John Guthrie*, and some of the Officers that commanded that party, with *John Ross* and other persons, as a spy to see if the Kings forces were comeing to *Kilmarnock*, and bring the rebells intelligence. Which confessions being read to the pannals, and they particularly and severally accused conforme therto, and having judicially, and in presence of the assise, acknowledged and renewed the samyne, My Lord Advocate therupon took instruments.

The assise be plurality of voyce, elects *Sr. Alexander Urquhart* in *Chancellor*.

The assise unanimously all in one voyce, be the reporte of *Sr. Alexander Urquhart* of *Cromarty* their *Chancellor*, finds the persons impannelled above and afternamed, to be guilty and culpable, of the particulare treasonable acts aftermentioned, containd in the indytmēt, viz. *Captaine Andrew Arnot* to be guilty, of joyning with the rebells in the west, comeing alongst with them in their *Marche*, accepting the command of one of their troops, and rydeing upon the head thereof, and comeing with them to *Lanerk*, and there takeing the *covenant* with them, and of comeing alongst with them to *Bathgate*, *Collintonne* and *Penland*, and of being at the *Late* conflict their in armes with his sword drawn. The said *Major John McCulloch* to be guilty, of joyning with the rebells in the west, and comeing with them to *Lanerk*, and takeing the *covenant* with them.

them there, and continueing with them in armes, untill wednsday the day of the conflict, being with them in armes there, where he was taken prisoner. *Gavine Hamiltone* in *Manulzie* to be guilty, of joyning with the rebels in the west, and comeing alongst with them in armes, in *Mc. Clelland* of *Barscobs* troope, and in being in armes at the fight of *Penland*, where he was taken. *John Gordone* of *Knockbrek* to be guilty, of joyning with the rebels before they came to *Lanerke*, where he, haveing taken the *covenant* with them, he marched along with them to *Collingstone* and *Penland* on horsback, in armes with the rebels, and being in armes with them at the conflict, where the rebels wer defeate and he taken. *Christopher strang* tenent in *Kilbryde* to be guilty, of joyning with the rebels in the west, and being at *Lanerk* with them, where he took the *covenant*, and comeing alongst with them from *Lanerk* to *Penland*, ane horsmane armed with sword and Pistolls, under the command of *Captaine Patoune*, commander of one of the rebels troops, and being in armes at the conflict at *Penland*, where he was taken. *Robert Gordone* Brother to *John Gordone* of *Knockbrek* to be guilty and culpable, of joyning with the rebels at *douglass*, and comeing alongst with them, haveing charge as a cornet of ane troop of hors under the rebels, wherof *Maxwell* younger of *Monrieff* was Captaine, and of being in armes with the rebels at the conflict at *Penland*, where he was taken. *John Parker Walker* at *Kilbryde* to be guilty, of joyning in armes with the rebels in the west, and comeing alongst with them to *Penland*, where he was taken under the command of *Collonel Wallace*. *John Ross* in *Mauchline* to be guilty, of joyning with the rebels in the west, at the desire of *Mr. John Guthrie* and some of the Officers of that party, and of going along to discover if the Kings forces were comeing to *Killmarnock*, he being in armes and haveing Pistols, and going to bring the rebels intelligence. *James Hamiltone* tenent in *Kittimure* to be guilty, of joyning with the rebels that rose in the west, being with them at *Lanerk*, where he took the *covenant*, and marching along with the rebels in *barscobs* troope, with sword and Pistolls, And comeing alongst with the rebels to *Collintone* and *Penland*, and being their in armes with them when they wer defeate. *John Shiell* in *Turwood*, to be guilty of joyning with the rebels, and of going at the desire of *Mr. John Guthrie* and some of their Officers, to see if the Kings forces

wer come to *Kilmarnock*, and to bring the rebels intelligence, and that conforme to their severall confessions; *Sic subscribitur.*

*Urquharte.*

My Lord justice Clerke, and justice depute, decernes and adjudges, the said *Captaine Androw Arnot*, *Major Iohn Mc. Culloch*, *Gavine Hamilton* in *Maulslie* in *Carluke Parish*, *Iohn Gordone of Knockbrek*, *Christopher Strang* tenent to *Kilbryde*, *Robert Gordone Brother to Iohn Gordone of Knockbrek*, *Iohn Parker Walker* in *Kilbryde Parochine*, *Iohn Ross* in *Machline*, *James Hamilton* in *Kittimore*, and *Iohn Shiels* in *Tirwood*, as being found guilty by ane assise, of the treasonable acts foresaid, to be tane upon fryeday the seaventh day of december instant, betwixt two and four houres in the afternoon, to the Mercate crose of *Edinbrugh*, and their to be hanged on ane gibbet, till they be dead; and after they are dead, their heads and right armes to be cut off, and disposed upon as the Lords of his Majesties privie Councell shall think fit; And all their Lands, heretages, goods and geir, to be forfeaulted and escheat to his Majesties use, for the treasonable crymes foresaid: which was pronounced for doome, be *Henry Monteith* dempster of the Court.

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**Folloueth that non-such God-daring**  
acte of Councell anent the disposal of the heads and  
right armes of the fore-mentioned martires after  
they were cut off according to the sentence  
and doome pronounced as afore-said.

*Edinbrugh the 6. of December 1666.*

**T**He Lords of his Majesties privie Councell ordaines the heads of the persones under written to be cut off and affixed at the places following viz. *Major Mc. Culloch* *Iohn Gordone* of *Knockbrek* and his Brother *Roberts* at *Kirkcubright* *Iohn Parker*, *Gavin Hammlitone*, *James Hamilton* and *Christopher Strang* their heads at *Hammlitone*, *Iohne Ross*, *Iohn Shiels* at *Killmarnok* and *Captaine Arnotts* head at the *Wattergate* and ordaines the magistrats of the respective

specific places to cause affix the saids heads accordingly. and recommends to the Magistrats of *Edinbrugh* to cause burie the *corpes* of the saids persones at such places as they shall think expedient and where *Traitours* are usually buried.

### EODEM DIE.

The Lords of his Majesties Privie Councell ordaines the right armes of Major *M. Culloch* *John Gordoune* of *Knockbrek* and his Brother *Roberts*, *John Parker Waker*, *Gawine Hammilltounne*, *James Hamilltounne*, *Christopher strang*, *Iohne Ross* in *Mauchline*, *John Shiells* tennent to *Sr. George Maxwell* and *Captaine Arnot*, who are to be execut the morrow as *Traitors* to be cut off and by the Magistrats of *Edinbrugh* to be sent to the Magistrats of *Lanerk* which they ordain them to affix upon the publick ports of that tounne being the place where they took the *covenant*.

## The Joint Testimony of these who died together in *Edinbrugh*, December 7. 1666. subscribed by them in prison, the same day of their death.

### *Men and Brethren.*

**T**His is a great and important work, both for us who are now to render up our spirits to him that gave them, And for yow who are not a little concerned in the Cause, and in our blood by justifying or condemning our sentence: And therefore, as we speak to yow as Dying men, who dare not dissemble with God or man, nor flatter our selves, So ye should not be idle, curious, or unconcerned Spectators.

We are condemned by men, and esteemed by many as Rebels against the King (whose Authority we acknowledge) But this is our rejoycing, the testimony of our conscience, that we suffer not as Evil doers, but for Righteousness, for the Word of God, and Testimony of Jesus Christ; And particularly for our renewing the Covenant, and in pursuance thereof, for Preserving and Defending of our selves by Armes, against the Usurpation and insupportable Tyran-



**Tyranny of the Prelats;** And against the most unchristian and inhumane Oppression and Persecution, that ever was enjoined and practised by just Rulers, upon Free, Innocent and Peaceable Subjects.

The Covenant and Cause being so just in themselves, and the duties of Self-preservation and mutual Defence in maintenance thereof, being to Judicious and unbiassed men so clear, we need to say the less for vindication of our Practice: Only, the Lawes establishing Prelacy, and the Acts, Orders and Proclamations made for Compliance therewith, being executed against us by Military Force and Violence; And we with others, for our simple Forbearance, being Fined, Confined, Imprisoned, Exiled, Scourged, Stigmatized, Beaten, Bound as beasts, and Driven unto the mountains for our lives; And thereby hundreds of Families being beggared, several Parishes and some whole Country sides exceedingly impoverished; And all this, either Arbitrarily and without any Law, or respect had to guilt or innocency; Or Unjustly contrary to all Conscience, Justice and Reason, though under the Pretence of iniquous Laws, and without regarde had to the penalty specified in the Law; And all Remonstrating of Grievances (were they never so just and many) and Petitions for Redress, being restrained by Laws condemning all former Remonstrances and Petitions in the like cases; There was no other remedy left to us, but that last of necessary Self-preservation and Defence. And this being one of the greatest Principles of Nature, warranted by the Law of God, Scriptural Instances, and the consent and Practices of all Reformed Churches and Christian States abroad, and of our own famous Predecessors at home, It cannot in reason or Justice, be reputed a Crime, nor condemned as Rebellion by any humane Authority.

Though we be not the first that have suffered for the Cause of God within the Land, yet we are among the first that have been Legally condemned and put to Death Expressly for taking the Covenant: And we are so far from being ashamed thereof, that we account it our honour to be reckoned worthy to suffer for such a Cause; And cannot but bless the Lord, that we have such a cloud of Witnesses, in this and other Reformed Churches, going before us in the same duty for Substance, and in Suffering therefore.

We cannot but regrave (if we could with tears of blood) the Nationall and Authorized Backsliding of the Land, by Perjury and breach

breach of Covenant; The overturning of the Work of Reformation; The great Desolation of the House of the Lord, by smiting of the Shepherds and scattering of the Flocks; The Intrusion of so many mercenary Hirelings into the Ministry, who because of Apostacy, Perjury, Ignorance and Profaneness, can neither be acknowledged as God's mouth to the People in Preaching, nor employed as their mouth to him in Prayer; The abounding of Popery, Superstition, and Profaneness by unheard-of Oaths, Blasphemies, Uncleanesses and Drinking, even in some whose Office and Place requireth them to be more Exemplary; And the shedding of the Blood of the Saints by the rage of Persecution: And therefore we cannot but disown all these abominable Laws, Courses & Practices, & declare our abhorrence of the same, & dissent therefrom; Protecting before Angels and Men, that we be not interpreted as consenters thereto, and beseeching the Hearer of prayer, that we be not involved in the guilt thereof, nor partake of the plagues which follow thereupon.

As this Land was happy above all Nations, for the purity and plenty of the Gospel, and for a Form of Church Government more conform to the Patern in the Scriptures, then in others of the Reformed Churches; So we acknowledge his great goodness to us in speciall, that gave us our lines in such pleasant places: For we have such full perswasion of the Truth of the Reformed Religion in the Church of *Scotland*, And have felt so much of the Power and Sweetness thereof, that we do here declare our firm belief and perswasion of, and adherence to the same, in Doctrine, Worship, Discipline and Government, according to the *Nationall Covenant, the Solemn League and Covenant, the Confession of Faith, Catechisms Directory of worship, and Propositions for Government*; Accounting it our honor and happiness to have been born in it, to have lived in Communion, with it, and now to die (through Grace) Members, Witnesses and Asserters thereof.

And further as Christians and as Members of the same Church and Common-wealth; in the Fear and zeal of our God, in Love to our Brethren, in desire of the Preservation of Church and Kingdom, and for our own Exoneration, now when we take our leave of the World, We do seriously and in the bowels of Christ, Supplicate, Warn, Exhort and Obtest yow all the Inhabitants of the

King-

Kingdom, from the King to the meanest of the Subjects, according to your old Principles, Professions, Promises, Declarations, Oaths and Covenants, faithfully to Own, Maintain, preserve and Defend the said Religion; And after the example of our Noble and Renowned Ancestors to quit your selves like Men & Christians, in endeavouring by all just Means, according to your Places and Powers, to shake off this heavy yoke of PRELACY, which neither we nor our fathers were able to bear, & which is Destructive to all our true Interests, Religious and Civill: As ye would not involve your selves in the guilt and plagues of Perjury and Breach of Covenant; And as you tender the good of your own Names, Persons, Estates, Families and Liberties, as well as of your immortall Souls; And as ye would partake of the good of God's chosen, and of our joyes, when ye come so near Eternity as we are.

We shall say no more, but as we were not afraid to take our lives in our hands, so we are not afraid to lay them down in this Cause; And as we are not ashamed of Christ because of his cross, so we would not have you offended in Christ nor discouraged because of us: For we bear you record, that we would not exchange lots with our Adversaries; nor redeem our Lives, Liberties and Fortunes, at the price of Perjury and breach of Covenant.

And further we are assured, though this be the day of *Iacob's* trouble, that yet the Lord, when he hath accomplished the Triall of his own, and filled up the cup of his Adversaries, he will awake for judgement, plead his own Cause, avenge the quarrel of his covenant, make inquiry for blood, vindicate his People, break the arm of the wicked, and establish the just; For to him belongeth judgement and vengeance: And though our eyes shall not see it, yet we believe that the Sun of Righteousness shall arise with healing under his wings; & that he will revive his Work, repair the breaches, build the old wastes, and raise up the desolations; *Yea the Lord will judge his people, & repent himself for his servants, when their power is gone, and there is none shut up or left: And therefore, Rejoyce, O ye Nations, with his People: For he will avenge the blood of his servants, and will render vengeance to his adversaries, and he will be mercifull to his Land and People. So let thy Enemies perish O Lord, but let them that love him, be as the sun when*

*he goeth forth in his might. Sic subscriptur.*

*John Mc. Culloch of Barholm.*

*And. Arnot.*

*John Gordon of Knockbren.*

*Robert Gordon his Brother.*

*John Ross.*

*John Shields.*

*James Hamilton.*

*John Parker in Busby.*

*Christopher Strang.*

*Gavin Hamilton.*

## Another Testimony which was also left

by such of the Former ten Persons, as were in the same Chamber with the forenamed *Thomas Paterson* Merchant in *Glasgow*, who, being in like manner Indited but dying of his Wounds before Sentence, did communicate the same to his friends, with his Assent thereunto.

**M**EN and Brethren, being condemned by our Rulers as Traitors, lest we should seem to many to suffer as evill doers, in the first place, we bleſs and praise the Lord our God, who hath made us (the unworthiest of all men) Worthy to be faithfull to him, who is King of Kings and Lord of Lords, and in simplicity and godly Sincerity, singly to mind his glory; and who also maketh the croſs of Christ (though by men superscribed with Treason) our sweet consolation, and his own joy our strength.

2. We declare in the presence of the same God, before whom we are now ready to appear, that we did not intend to Rebelle against the King and his just Authority, Whom as we acknowledge for our Lawfull Sovereign; so we do earnestly pray in his behalf, that God would open his eyes and Convert his heart, that he may remember his Vowes made unto God, relieve this oppressed Kirk, and long reign and flourish in righteousness.

3. We declare, that perceaving the Holy Covenants of our God broken, the Work of the Lord overturned, the Gospel and Kingdome of Jesus Christ despised and trampled upon, his pure Ordinances corrupted, his faithful and our soul-refreshing Ministers cast out, and the Land filled with Perjury and Profanity, and like to be hurried back to that gulf of Ignorance, Superstition and Confusion, whence the Lord did so gloriously deliver us; And finding

finding our selves not only Spoiled of our most precious blessings, and most dear enjoyments, but urged and compelled by cruel Violence and Barbarous Persecution to wicked Apostacy from our Holy Covenants, and to Rebellion against our God; And all this done by no other hand then the wicked and perjured Prelats; And for no other ends (whatever they may pretend) then the satisfying of their own vile lusts, and establishing their so often abjured Antichristian Tyranny, over both Souls and Bodies of Men; And lastly finding former Petitions condemned as Seditious, and our private complaints (when but muttered) insolently rejected, We did in the fear and Zeal of our God, and by the warrant of his Holy Word, according to the first and most Innocent instinct of pure Nature, and the Practice of all People and Persons in the like case; And after the Example of all the oppressed Kirks of Jesus Christ, and of our Noble Ancestors, take the Sword of Necessary Self-defence, from the rage and fury of these wicked & violent Men, until we might make our heavy Grievances known to his Majesty, and obtain from his Justice a satisfying remedy.

We will not now mention our particular Sufferings, nor the sighs and groans of poor wasted *Galloway*, which though very heavy from the hand of man, are all to light for Jesus Christ; Nor are we willing to reflect upon these grievous and bitter Lawes and Edicts, by which they seem to be warranted: Only we know that God is Righteous, whose Lawes and judgments are Superior and above all the Lawes and Actions of men. And to him who will judge righteously, We intirely Commit our Cause, which is none other, then the Reviving of the Work of God and Renewing of his Covenant: Which though it pleased the Holy and Wise God, not to favour with Success in the field, and though by men it be made our Condemnation, yet (it is our Righteousness) innocency and Confidence in his sight. And all praise and thanks be unto our God, who not only kept us stedfast in his Covenant, and made us Willing and Ready to adventure our Lives for his Name; but hath also accepted and dignified our Offer, with this publick Appearance; Where, in his own glorious presence before whom we shall instantly appear, and before our often Sworn and once Zealous and tender Brethren in the same Cause, and in midst of Thee O *Edinbrugh*, once famous for the Glory and Zeal of God and of this

Covenant, we may give and Seal this our Testimony with our blood.

We therefore the unworthiest of all the Faithful, do in the Spirit of God and Glory, Testify and Seal with our Blood and Lives, that both the *National Covenant* and *Solemne League and Covenant* are in Themselves Holy, Just, and True, and perpetually Binding, containing no other thing, then our Indispensable Obligations to all Duties of Religion and Righteousness, according to the revealed Will of God, which no Authority nor Power of Man, is or ever shall be able to disannul; And that our blessed Reformation both from Popery and Prelacy, and all that was done or ensued, in the sincere and upright prosecution thereof, was and is the Work of God, which though Men fight against, yet shall they never be able to prevail: And as this is our Faith, so it is our Hope to all that wait for the Salvation of God, that our God will surely appear for his own Glory, and vindicate his Cause and persecuted People, and render vengeance to his Adversaries even the vengeance of his Holy Temple and broken Covenant. O be not then moved with our Sufferings which are but Light and Momentary, for they Work for us a far more, exceeding and Eternal weight of Glory, and for you also a strong Confirmation and abounding Consolation, against the like trial that possibly may befall you: O then save your selves from this Wicked and Apostat Generation, and be ye stedfast, unmoveable, alwayes abounding in the Work and Cause of the Lord; Waiting for the appearance of our Lord Jesus Christ, vvhich in his Times he shall thevv, vvho only hath Immortality, dwelling in the Light vvvhich no man can approach, vvhom no man hath seen, or can see, to vvhom be honour and Pover everlasting. A M E N.

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The Testimony of  
CAPT. ANDREW ARNOT,

*One of the former ten who died. Decemb. 7.*

**D**EAR Friends and Spectators, I am brought by the good providence of God to this publick place of execution (vvhich is no disho-



dishonor) for points of Treason, as is alleaged; but God knoweth (who knoweth the secrets of hearts) whether in Rebellion or not, I am forth: He is my witness & will be my Judge. And whoever they be that any way have been instrumentall or incensed against me to procure this Sentence against me, God forgive them, & I forgive them. I am not now purposed to disput the matter of my being in company with these worthy Christians who are now defeat and broken, their blood shed, and they despitfully mocked by many: I acknowledge and declare that I was with them. As to the cause of my being with them, whether in Rebellion or not God knoweth, and all *Israel* shall. And for me, I say the Cause is the Lords, who made the Heaven and the Earth, though now it be hated. And I desire to bear witness (with the rest of the worthy witnesses, who are gone before and are now staged) to that glorious Work of Reformation in *Britain* and *Ireland*, and to Gospel Ordinances in their Purity, as they have been taught and administrated these 30. Years last by past, And I adhere to the Presbyterial way of Doctrin, Worship, Discipline, and Government, by General Assemblies, Synods, Presbyteries, and Sessions, according to the Patern of the holy Scriptures (Jesus Christ himself being the head Corner-stone) the Confession of faith, Catechismes Shorter and Larger, Directory for Worship, National Covenant, Solemne League & Covenant, & every Paper tending to the good of the true Religion. And this I think fit to Testify & Declare under my hand (not knowing if I shall have any Liberty to speak,) & intend. God willing, to Seal with my Blood shortly. I confess that unexpectedly I am come to this place, (though sometimes I have had some small thoughts of it) and I do account my self highly honoured to be reckoned amongst the witnesses of Jesus Christ, to suffer for his Name, Truth and Cause; and this day I esteem it my Glory, Garland, Crown & royall dignity to fill up a part of his sufferings. And now I take my leave of you all my dear and worthy Friends and acquaintances. The Blessings of the Eternall God be multiplied upon yow and your seed, and upon all the suffering Friends of Christ this day; upon my dear and loving Wife, who hath been a faithful sympathizer with me, and upon my dear Children. The work of God is now at under but Christ shall carry the Day: Blessed is he that believeth and seeth not, for there shall be a performance. Now the Eternall God, who

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brought again the Lord Jesus Christ from the dead, the great shepherd of the flock, strengthen and establish you and all the Lord's people. So pray ye, and so prayeth your Friend.

ANDREW ARNOT.

## The Testimony of JOHN SHIELDS,

*Teoman one of the former ten who died at Edinburgh the 7. day of Decemb. 1666.*

**I** Am a man unlearned and not accustomed to speak in publick, yet being now called to witness and suffer for the Lord in publick, I cannot be altogether silent of that which Religion and Reason hath taught me anent the cause of my suffering.

I bless the Lord, I suffer not as an evil doer, especially not for any Rebellion against his Majesties Lawful Authority; I attest him who is the searcher of hearts, that was never my intention in the least, and it is as little the nature and intention of what I have done; But for renewing of the Covenant with the Lord, and following the ends thereof, as to the suppressing of abjured Prelats, and Intruders upon the Lords flock, and the restoring of the Government of the House of God by Presbyteries as he himself hath appointed in his Word, with a faithful; Godly, Called, and Sent Ministry; And together with pure Ordinances, the Power of Godliness. For this I am condemned and to suffer this day. This I acknowledged freely before our Judges; This I still acknowledg, and am persuaded that herein I witness a faithful Confession. This Cause and Covenant I commend to all the Lord's People. It is not free for you to forsake it; You are inviolably engaged in it; It is not safe to desert it, because of the Curse of the perjurer and false swearer. There is unspeakable blessedness in the pursuance of it, whereof I can bear witness to the Lord by my rich Experience since we began to Do and Suffer at this time for him: Whereupon I cheerfully lay down my Life for this his Cause; He it is who Justifieth it, what man or Authority under heaven can con-

condemn it? *Arise O Lord, let not man prevaill against Thee; plead and Judg this Cause which is thine own, for thine own names sake.*

## The Testimony of another of the former ten Persons left subscribed with a Friend.

**I** designed no Rebellion against Lawful Authority, but the suppressing of Prelacy and of Profanity; and advancing of Holiness in Gods World: In a Word, I adhere to all the Articles of the good Covenant, and did intend the restoring of our good and Soul-refreshing Ministers, and the casting out of the dumb greedy Dogs that cannot bark. In this Cause I was a free Voluntier pressed by none, thinking it my duty to appear for helping the Lord against the Mighty. This I testify under my hand from the *Tolbooth* of Edinburgh, the 6. of December, 1666.





*The procesſ and endytment of fyve moe  
who alſo upon the former accomp twer together ſenten-  
ced at Edinburgh the 10. of December 1666. and of  
which four, ſuffered therat upon fryday the 14. of the  
ſaid moneth.*

**Curia Juſticiaria, S. D. N. Regis,**  
tenta in Prætorio burgi de *Edenburgh*, decimo die  
menſis Decembris, 1666; Per Dominum *Joan-*  
*nem Hume de Rentone*, Clericum Juſticiariz  
S. D. N. Regis, & Magiſtrum *Gulielmum*  
*Muarry*, Juſticiarium deputatum.

*Curia Legittime Affirmata.*

INTRANT

*Mr. Alexander Robertſone.*  
*John Niſſone of Carſock.*  
*George Crawford in Cummock.*  
*John Lindeſay in Edinburgh.*  
*John Gordone in the Parochie of Irongray.*

**Y**ow, and ilke ane of yow, are endytet and accuſed that where  
albeit, &c. And ſo deduce as in the former indytment.

PERSEWER.

*St. John Niſbet of Dirlſoune.*  
*Miſt. Maſteſties Advocate.*

PROCURATORS IN DEFENCE.

*Mr. John Eleiſ.*  
*Mr. Robert Dickſone.*

ASSI.

## A S S I S A.

*Alexander Douglass of Blairkerrone.**James Cockburne of that ilk.**James Hamiltons Portioner of Mortounhall**John Watson Merchant in Edinbrugh.**Henry Cheap Vintner. There.**Patrick Scote of Langshawe.**Alexander Scote Goldsmith.**John Oliphant Merchant.**John Archibald of Glen.**Alexander Cruikshanks Merchant.**Adam Lesly Merchant in Edinbrugh**James Boyd of Temple.**Thomas Noble Merchant in Edinbrugh.**Andrew Caddell Vintner.**John Boyd late Ballzie in Edinbrugh.*

The assise Lawfullie sworne, no objectione in the contraire.

The pannals, in presence of the assise Repeats their former confessions, of their severall and particulare facts, mentioned in their examinatione, taken before the Lords of secrete Councell, and which his Majesties Advocate adduces as probatione, and which are specially insert in the verdict of assise aftermentioned.

The assise being inclosed, elects *Patrick Scote of Langshawe* their Chancellor.

The assise unanimously all in one voyce, be the reporte of *Patrick Scote of Langshawe Chancellor*, findes the pannals *John Nilstone of Carsfok*, *Mr. Alexander Robertson*, *John Lindsay in Edinbrugh*, *George Crawford in Cumnock* and *John Gordone* in the parish of *Irongray*, to be guilty and culpable, of the particulare treasonable Crimes and acts aftermentioned, contained in their indytmments. To wit, the said *John Nilstone* to be guilty, of being with the rebells at the takeing of *Sr. James Turner* at *Drumfries*, and of joyning with these men that rose in the west, and comeing allongs with them in armes, and that he was with them in armes at the conflict at *Pentland*. The said *Mr. Alexander Robertson* to be guilty, of ryseing and joyning in armes with the rebells, and that he was one of those, that went to *Drumfries* and seised on *Sr. James Turner*, and that he went allongst with the rebells to *Aire*, and that he was at *Lanerke*, and took the covenante with the rest of that party there, and came allongst with them to *Collintounne* and *Pentland Hills*, and that he was in armes at the conflict, with *Captaine Arnot*, against his Majesties forces, and that he had a drawen sword there and discharged his pistolls in the fight. The said *John Lindsay* to be guilty, of joyning with the rebells, with

a sworde and pistoll, under the command of *Mr. George Cruikshanks*, and that he was with the *rebells* at *Lanerke*, where he took the *Covenant*, and that he was at the *Late* fight, with a sword drawn and a pistoll shote. The said *George Crawford* to be guilty, of coming in to the *rebells*, and joyneing with them as a *Horsman*, in *Balmagachans troupe*, and that he was at *Lanerke* with them, where he tooke the *covenante*, and that he came alongst with the *rebells* to *Pentland*, and was taken beside *Mortounhall*, the day before the fight. The said *John Gordone* to be guilty, of joyneing with those men that rose in the west, and that he came alongst with them in armes, and was in the field at *Pentland*, in the conflict, and that he was in armes there, And this conforme to the saids pannals their own confessions, made both before the secret Councill, and now renewed by them judicially before the justices, *Sic subscribitur*.

*Pat: Scot.*

My Lord Justice Clerke, and justice depute *decernes* and *adjudges*, the said *Mr. Alexander Robertsons*, *John Nilsone of Carslock*, *George Crawford in Cumnock*, *John Lindsay in Edinbrugh* and *John Gordone* in the parochine of *Irongray*, as being found guilty of the treasonable acts foresaid be ane assyse, to be tane upon *friday* the *fourteenth* day of *december* instant, betwixt *two* and *four* in the *afternoone*, to the *Mercate Crofs* of *Edinbrugh*, and there to be hanged on a gibbet till they be dead, and after they are dead, their *heads* and *right armes* to be cutte off, and disposed upon as the *Lords* of his *Majesties* privy Councill shall think fit. And all their lands, heretages, goods and geare to be forfeaulted and escheate to his *Majesties* use, for the treasonable *Crymes* foresaid, which was pronounced for *doome*, be *Henry Mont-eith* dempster of Court.

*The acte of Councill anent the disposall of the saids martyrs their heads after they wer cut off according to the foresaid sentence.*

*Edinbrugh the 13. December 1666.*

The *Lords* of his *Majesties* privie Councill Ordaines the *Magistrats* of *Edinbrugh*, to cause the heads of these to be execut to morrow, to be affixt one such ports as they shall think fit and burie their bodies without curing off their armes, in the uswall place.



The Testimony of  
**Mr. ALEXANDER ROBERTSON,**

*Preacher of the Gospel, and Probationer of the  
 Ministry, who died at Edinburgh, De-  
 cember 14. 1666.*

**F**Eeling that after the example of others, I should not be permitted to speak openly to the People, I thought fit (beside my adherence to what my brethren, who have gone before me, left behind them concerning our common Cause) to leave a word in writ for satisfaction of them who survive me.

That, for preservation & defence of the true Religion of this church, and for the relief of my poor brethren afflicted & persecuted therefore, I joyned with others in Armes, & that I renewed the *Covenant*, that all men might the better know my Cause and Principles, I am so far from denying or being ashamed of, that I both acknowledge and avow it as my duty; But let no man that will not condemn himself upon the same common obligations to do what I did, account me a Rebell therefore, because with the same breath that I did swear, and with that same hand that I did subscribe to preserve and defend Religion, I did also swear to defend the King and his Authority.

Our Church was not more glorious in her self & terrible to her Adversaries, while we enjoyed pure Ordinances of Word and Sacraments, and her beautiful Assemblies for Government and Discipline, of the Lords own Institution, then she became of late deformed by the Usurpation and Tyranny of Prelacy; And I do solemnly declare as a dying man, who dare not dissemble, that as I thought: and still averre that the erecting of this abjured Prelacy is the cause of much of the Sin in the Land, and of all the sufferings of the Lords People therein: so I had no worse design, then the restoring of the Work of Reformation according to the *Covenant*, and more particularly the extirpation of *Prelacy*, to which his Ma: and all the Subjects are as much obliged as I. And let that be removed and the Work of Reformation restored, and I dare die in saying, that his  
 Ma:.

Ma: shall not have in all his Dominions, more loving, loyall, peaceable and faithfull Subjects, then these who for their non-compliance are loaded with the reproaches of *Phanaticisme* and *Rebellion*.

The sufferings and insupportable oppression of these that could not because of the Command and Oath of God, acknowledge & comply with Prelacy, may seem light to some, in whom the spirit of the old enmity that is betwixt the seed of the woman and the seed of the serpent remaineth, and to others (perhaps their Friends) who look thereupon at a distance; but as there is just reason to think that if these rigid oppressions had been made known to his Ma: his justice and clemency would have provided a remedy, and as the half thereof would have made the Prelats, their patrons and adherents impatiently mad, for as loyal as they pretend to be; So in the like cases of irresistible necessity, when there is little open door for representing of grievances and desires, and less hope of relief thereby, I suppose it will not be found condemned by the Confessions of Reformed Churches, or doctrine of sound Divines, but that it is authorized by the light and Law of Nature, by uncondemned examples in the Holy Scripture, and by the practice of all Christian States, by Armes to preserve and defend mens *Lives*, their *Religion*, *Liberties* and *Fortunes*; And especially, where they are not seeking to acquire a new *Religion* or new *Liberties*, but only to preserve their old or recover them, when they are violently & unjustly spoiled of the same, as in our case; Otherwise we should sin against the generation of the just, and condemn, as rebellious, the most of the through Reformations of the Reformed Churches abroad, and of our own at home.

If this course was Lawfull, and if it was our duty to joyn therein, as I believe and lay down my life in the perswasion that it was; and if all the Kingdom was (as they are) bound by *Covenant* to assist and defend one another in the Common Cause of Religion and Liberty, whatever may be said of these that came not forth to help the Lord against the mighty, it cannot but be their dreadfull sin, who joyned themselves in Armes, or took Oaths to oppose, suppress and break it, seeing they have sided themselves against the Lord and his Work, and their carriage is a much higher degree of Accession to the blood that is shed, then *Paul's* keeping of the clothes of them that stoned *Stephen* to death; And I wish that they may lay the matter to heart and

and repent of it, that God may forgive them, as I forgive all men, and particularly *Morton* who did apprehend me.

I know that there is a holy seed in the Land, who shall be the substance thereof, and I pray that the Lord may make them more zealous and valiant for the truth upon earth; I know also that there are many, whose bowells of compassion have been drawn forth toward these who took their lives in their hands, by Prayers to God for them and Charity to them, and especially in *Edinbrugh* toward the poor Prisoners (of whom I may not only say, that what they have done, deserveth to be told for a Memorial wherever the Gospel is preached, but am assuredly confident, that besides the blessings of the poor and persecuted, the Lord is not unrighteous to forget their work and labour of love, which they have shewed towards his Name, in that they have ministered to the Saints & do minister.) And yet I must needs regrave, that so many in this City once famous and honoured for harmonious owning of the Cause and Covenant of God, and blessed above many other Cities with solemn Assemblies for Worship and Government, should have been ensnared into an Oath so contradictory to the Oath of the Covenant; & which was devised, contrived and imposed in lieu of the Declaration against the same, and for a Gravestone to suppress the revival of the Work of God within this Land.

The Apostacy of this Land is very great by Perjury and breach of Covenant, and so much the worse and more aggregable, that it is Authorized and very universal; And as I cannot but regrave that so many are ensnared therein, so I must needs warne all to abhorre and beware of all Declarations and Oaths contradictory to the Covenant and renunciatory thereof, as they would not involve themselves in the guilt and plagues denounced against, and ordinarily inflicted upon Perjury and breach of Covenant; and so much the rather, because this is like to be the *Shibboleth* and triall of the times.

As for my self, I have seen and doe find so much worth in Truth, which is to be bought at any rate but sold at none, And so much transcendent excellency and amiableness in Christ, that not only with cheerfulness & confidence I lay down my life for him and his Truth, committing my soul to him to be kept in hope of a joyfull Resurrection of the body; but also blest him that gave me a life

tolose, and a body to lay down for him; And although the Mer-  
 ket and price of Truth may appear to many very high, yet I reckon  
 it low, and all that I have or can do, little and too little for him  
 who gave himself for me and to me; for I account all things but  
 loss and dung for the excellency of the knowledge of Jesus Christ  
 MY LORD, for whom I now suffer the loss of all things, that  
 I may win him, and be found in him, and that I may not only  
 know the fellowship of his sufferings, but the power of his resur-  
 rection and attain unto the resurrection of the dead.

And as for yow, my dear Friends, as I pray for you, that the  
 God of all grace, who hath called us unto his eternall glory by  
 Christ Jesus, after ye have suffered a while, may make yow per-  
 fect, stablish, strengthen and settle yow; so I recommend to you  
 the same truth, that you be not soon shaken in mind, but that ye  
 hold fast the profession of your faith without wavering; And as you  
 have received the Lord, so walk in him; Warning and obtesting  
 you by all manner of obligations, and by the hope and joy of  
 that crown which I wait for, that ye keep your selves unspotted  
 with the abominable courses and practices of these times, where-  
 unto ye may be tempted by the extremity of suffering, and parti-  
 cularly that ye beware of unlawfull Oaths and Declarations against  
 the Cause and Covenant of God, that ye have no compliance  
 with, nor give consent unto this Prelacy, which ye have abju-  
 red; And that you be afraid and aware of Popery, which by  
 Connivance doth so visibly abound and dayly increase; But by  
 fighting the good fight and keeping of the faith; you may finish  
 your course, as I do, in the assurance of the crown of Righte-  
 ousness, which the Lord the righteous Judge, hath laid up and  
 shall give unto me; and not to me only, but to all them that love  
 his appearance.

*Alexander Robertson.*

## The Testimony of

JOHN NILSON,

*Of Corfack who died at Edinbrugh, Decem-  
ber 14. 1666.*

**B**Eing made a spectacle to the World, to Angels, and to Men; I found it necessary, for vindication of the Truth & of my self, for undeceiving of some, & encouraging of others, to leave this line behind me, which with my innocent blood may speak when I am gone.

I am condemned (I shall not say how unjustly) as a Rebell against Man, but the Lord God of Gods he knoweth, & all *Israel* shall know that it is not for Rebellion against God, but for endeavouring to recover the blessed work of Reformation, and particularly for endeavouring to extirpate Prelacy; which hath been the cause of so much sin and suffering within this Land, and for renewing of the Covenant, from the obligation whereof (seeing I made my Vow and Promise to the Lord) neither I my self, nor any humane Authority can absolve me. And if any account this Rebellion, I do plainly confess, that after the way which they call Heresy, I worship the God of my fathers.

Although the insupportable oppression, under which I and many others did groan, were enough to justify our Preserving and Defending of our selves by Armes, yet know, that the Cause was not Ours but the Lord's; for we suffered all our grievous Oppressions not for evill-doing, but because we could not in conscience acknowledge, comply with and obey Prelacy; and submit unto the Ministry of Ignorant, Light and Profane men, who were irregularly and violently thrust upon us; Neither did we only or mainly designe our civil Liberties, but the Liberty of the Gospel, the Extirpation of Prelacy, the Restauration of our faithful Pastors; the Suppression of Profanity, Promoving of Piety, the saving of our selves from unjust violence; untill we had presented our Grievances and Desires; And in a word, the Recovering of the once

glorious, but now ruined Work of Reformation, in Doctrine, Worship, Discipline and Government, according to the Nationall Covenant and Solemn League and Covenant, to which I declare my adherence, and through grace shall seal the same with my blood.

My *Advocate* drew up a Supplication for me, wherein was acknowledged that I had been with the *Rebels*; but let none offend thereat: for I do hereby declare, that I was so far from accounting that course Rebellion, that I judged and still do judge it was my duty to joyn therein, and my honor to suffer therefore; Otherwise, I should have counted my self accessary to the blood of the Lord's People which is shed: And cannot but regrave that others of the Lord's People, when they heard of us, did not come forth with speed to help the Lord against the Mighty; much more let all mourn, that not only many have appeared as Enemies, but also conjured themselves against the Lord, & the same Covenant which they so solemnly sware; And as for the Petition it self, I knew not that expression was in it.

Being conscious to my self of so much weakness, & so many hainous sins which predomine in me, & of unfruitfulness under the Gospel and unfutable walking thereto, I confesse my self the vilest of sinners, and desire to mourn for the same, and pray that the Lord for Christ's sake may freely forgive me, as I have forgiven them that have wronged me, and hope through the righteousness of Jesus Christ to obtain the same: And I do exhort all and every one of my friends to more holiness, Prayer and stedfastness, alwayes abounding in the Work of the Lord; And above all things, to detest & thum that wicked Declaration against the Covenant; the apparant temptation of the time, and the very mark of Antichristian Prelacy.

All that I have is but little, but if I had many Worlds, I would lay them all down, as now I do my life for Christ and his Cause, nothing doubting but the Lord will abundantly provide for my Wife and my six Children, whom I commit to the Lord's care, and recommend to the Kindness and Prayers of the faithful; And do lay an expresse charge on my Wife that she shew all my Children, that I have bound them all to the Covenant, for which now I lay down my life, and that she lay it upon them as my last command, that they adhere to every Article thereof.

The



The Work and People of God are brought very low: It may be, because they were not ripe for a deliverance; And for the greater triall, and filling up of the cup of the Adversaries; Or, because there was little, or less prayer then should have been amongst these who appeared at this time, that the Lord hath made this late breach. But, dear Friends, be not therefore tempted to call in question the Work of Reformation; or to think the worse of Christ and his Cause, because of sufferings; Nor be discouraged because these few who took their lives in their hands, fell before the Adversary; For as sufferings are often sweetned by the Spirit of God and Glory that resteth upon the sufferers, and afterward bring forth the peaceable fruits of righteousness unto them that are exercised thereby; So the Lord will arise in due time, and have mercy upon Zion, and plead the cause which is his own: And this Testimony, as I am this day to seal with my blood, so I subscribe with my hand.

*John Nilson of Corsack;*

## The Testimony of GEORGE CRAWFORD,

*Yeoman who died at Edinbrugh, December 14. 1666.*

**S**Eing I am to die after this manner, I lay before yow this Testimony, which I avow before God, and leave behind me to the World.

That which moved me to come along with these men, was their persuation, and my desire to help them (which with a safe conscience I could not well refuse) who, being tyrannically oppress'd by the Prelats and their dependants and upholders, and seeing no other way was left to be taken, took up Armes for their own defence; And if this be Rebellion, I leave it to the great God the supream Judge to decern: For in my weak judgement, I found it warrantable from the Word of God, and without prejudice of the King's Authority (whom I pray God to direct and guide in the right wayes of the Lord, and to make him prosper therein; so that he may be

surely set in his Kingdom, having him whom no enemy can resist to defend him) seeing there was nothing intended by us, against his or any others just and Lawful Authority.

But that which was my principall and chief design, was giving my poor assistance to the rooting out of Prelats & Prelacy, and all such as are come into God's vine-yard without the Master's commission, these Hirelings who came not in at the true door, *Jesus Christ*, but have climbed up some other way as thieves and robbers, whose voice the sheep know not (All which is too sadly confirmed by the dreadfull and horrid sins that are risen in the Land, and the curses and plagues that have followed thereupon) that so by taking away these, the abuses which proceed from them, and the sad consequences which follow their standing, falling with them; the Covenant of God might be re-established, and true Pastors that were silenced might be set at liberty, their mouths opened, and they themselves put to the keeping of their flocks, and all other such persons, who were banished, or any other way under suffering, relieved.

And I do adhere to the way of Church Government (sworn to in the Covenant, which I think and assert to be conform to God's Word; which, with His Spirit directing, is the only Patern and judge in all controversies: and however our endeavours at this time have not been successful, it is of the Lord, who will come in his own time, for he can do as well with few as with many; but it is like the cup of the Adversaries is not full: And who knoweth, but the Lord God of hosts will hiss for the bee of *Egypt* and the fly of *Assiria*, who will be more cruell and blood-thirsty then we were, to avenge the quarrel of his own People, and to make way for the establishing of his own Cause. I say no more, but as I was willing to hazard my life for this Cause, so I am ready to lay it down at my Master's feet, seeing he calls for it: And I pray the Almighty, to send his Spirit of Consolation promised by his Son to his own people, to strengthen them and bear them through, till the appointed time of the Lord's coming with Deliverance; for he will come for his own Cause, and for his peoples sake, and will not tarry.



*The process and endytment, of these four martyrs who also suffred together at Glasgowe upone wednesday the 19. of December 1666. for the former testimonie at Pentland November 28. 1666.*

*Curia Justiciaria, S. D. N. Regis,  
tenta in Prætorio burgi de Glasgowe, decimo septimo  
diæ mensis Decembris, 1666. Per Nobiles Comites  
Alexandrum Comitem de Linlithgow Dominum  
Livingstone, &c. Joannem Comitem de Wig-  
tounne Dominum Flemming, &c. Alexan-  
drum Dominum de Montgomerie. Et  
Quintigernum Murray, Justiciarios  
per commissionem dictum  
S. D. N. Regis.*

*Curia Legittime Affirmata.*

**T**He quhilk day Compeared ane, *Noble Lord Alexander Earle of Linlithgow* for himselfe and in name and behalfe of the remnant honorable persons under-written and produced ane commissione of Justiciary granted be the Lords of his Majesties *privy Councell* to the persons aftermentioned therein specified and desired the samyne to be publickly reade and also to be recorded in the books of Adjurnall wherof the tenour followes.

Charles be the Grace of God King of great Brittain France and Ireland defender of the faith, to all and sundrie our good and faithfull subjects whom these presents doe or may concerne, *Greeting: Forasmuch*

meikle as albeit it hath pleased *Almightie God* to bleſs our forces under the Command and conduct of our Lieutenante Generall with ane absolute victory of those *rebells* who did first rise in armes at *Drumfries*. And so far prosecute these *rebellious* courses as to embody themselves in a military posture, And marche through many shires for getting associates and complices and at Last in open fields neere *Pentland hills* did encounter our forces and Endeavoure there overthrowe: Yet nevertheless the danger of that horride rebellione does still continue and if not timeously prevented may againe breake out and involve the Kingdome in new troubles and confusions to the hazard of the Lives of many of our good subjects and subverting of *Religione* and *Ecclesiasticall Government* and of our authority and Lawes, There being many *desperate and incorrigible traitours* engadged in that *rebellione* who did not at first appeare themselves in armes but have been abbaiters or assisters thereof by correspondence, intercommuneing or giving intelligence, for carrying on their wicked designs or be resetting of their persons have been promotters of the saids treasonnable courses, As Lykwise some gentlemen, ministers and others did convocate and put themselves in armes in the *Shire of Aire*, and there determine to rise and associate to themselves all such who wer disaffected, to our Government that they might joyne with these *rebells* who had first risen in Armes and hereby added such strength and vigoure to the carying on of that *rebellione*, that they might have continued Longer and brought on this our Kingdome, all the miseries of ane unhappy and bloody war if the defeat and overthrowe of that party at *Pentland* had not happened, Therefore. And for preventing these mischiefs and securing the peace of our Kingdome, and our authority and Government for the future *We* with the advice of the *Lords of our privy Councell*, have nominate and appoynted our right trustie and well-beloved, *Counsellours and Cusines*, *The Lord Duke Hamilton*, *The Lord Marquise of Montrosse*, *The Earle of Argyll*, *The Earle of Linlithgow*, *The Earle of Kelly*, *The Earle of Galloway*, *The Earle of Wigtonne*, *The Earle of Niddsdale*, *The Earle of Drumfries*, *The Earle of Callendar*, *The Earle of Airely*, *The Earle of Annandale*, *The Lord Montgomerie*, *The Lord Drumlanerke*, *The Master of Coclbrane*, *Generall Dailziel* *Lieutenant Generall*, *Dromond James Crichtowne Brother*, to the *Earle of Drumfries*, *Collonell James Montgomery*, *Charles Muirland of Hattonne*, *Mungo Murray*, or any

any *three* of them giving them full power, warrant and authority, to goe to any *Shire, brugh* or *place*, where their was any rising or insurrectione, And there to hold courts cite parties and examine witnesses, And take all other courses which they shall think fit for trying and discovering all such persones who were authors *aiders* or *abbaissers* of the said *rebellion* and did keep correspondence, intercommune with, or receipt the persons of any of these *rebells* or furnished them with Amunitione, armes, horses or any other things which might supply or strengthen them in the prosecutione of their rebellious courses with power lykwise to sease upon their persons, And incarcerate them till they be tryed, And to searche their houses and other suspect places and to enter the same be force in case of resistance or otherwise to take bond and securitie for their appearance whenever they shall be called. And for their more speedie and effectuall carying on of this their Commissione with power to divide themselves that they may goe to severall places at one tyme, And for that end any one or two of their number to take tryall search and apprehend all persons suspect within their severall divisions, And farther in case after Examination and tryall there shall be any persons who shall appeare guilty of the crimes forsaide by cleare and undoubted evidences we give full power and commissione to the persons foresaid or any *three* of them which are declared to be a full *quorum* to be our justices in that parte with power to them to meet at such times and places as they shall think convenient, And then and there to affix and hold courts create *Clerks, Searieants, Dempsters*, And all other members of court needfull, To call assizes of persons of best understanding, Absents to amerciate unlaues and amerciements to be uplifted and exacted, And in the saids Courts to call the wholl persons guiltie and suspect to be guilty of the *crimes* foresaid and put them to their tryall and knowledge of ane assise and according as they shall be found innocent or guilty of the said crimes that they cause justice to be done upon them accordingly and generally all and Sundry other things requisite and necessary for executing the said Commissione to doe use and exerce promitting to hold firme and stable commanding heerby our advocate or his deputes to draw their indytments and pursue them before our comissionars foresaids and in case they find any difficultie in the matter of probatione or evidence that they secure the persone untill they advertise the Lords of our privy Councell that they may ordaine our *justice Generall* or *his deputes* to proceed against

them and we hereby require the Commanders and officers of our forces and all *Sheriffs, Magistrates of Broughs*, and others to be assisting to our Commissioners in prosecutione of this our service as they will be answerable. Given under our signet at *Edinbrugh* the fyfth day of *December*, 1666. And of our Reigne the eighteenth yeare. *Sic Subscribitur.*

The said day compeired *Mr. Thomas Gordone* writer in *Edinbrugh* and produced ane deputation of Clerkshipe granted to him be *Sr. John Hooime of Rentone, Knight Justice Clerk*, of this Kingdome which being publickly read the saids Lords took his oath *de fideli administratione*.

*James Lawrie Messinger* in *Edinbrugh*, was chosen be the saids justices to be officer of the said court of justiciary and his oath *de fideli administratione officii*, was taken by them.

## IN TRANT.

Eodem die.

*Robert Buntine* in *Finnick Parish*.

*John Hart* in *West-Quarter of Glasfoord*.

*Robert Scote* in *Shawock* in the *Parish of Dalsersfe*.

*Matthew Patounne Shoemaker* in *Newmills*.

**Y**OW, and ilke ane of yow, are endyted and accused for that albeit, &c. And so (*brevitatis causa*) to deduce as in the former endytement at *Edinbrugh*.

## PERSEWER.

*Sr. William Purves* his *Majesties Sollicitor*.

And representer of his *Highness Advocate*.

*Sr. William Purves* produced ane warrand granted to him be *John Earle of Rothes* his *Majesties high commissioner*, for trying the persons above endyted wherof the tenor followes; Forsomuch as *Robert Buntine* in *Finnick*, *Mathew Patoun Shoemaker* in *Newmills*, *John Harie* in *West-Quarter of Glasfoord*, and *Robert Scot* in *Finnick*; have been accessorie to the Late rebellione and involved themselves in the guilt therof, as appears be their own depositions and severall other witnesses, we doe therefore require yow *Sr. William Purves* his *Majestie*



*Sies Sollicitour*: And as representer of his Majesties Advocate to prepare dittays against the foresaid persons and persue them criminally before the commissioners of justiciary appoynted for that effect, and for so doing these presents shall be your warrant given under our hand at *Glasgow* the *fifteenth* day of *December* 1666, Years. *Sic Subscribitur.*

ROTHES.

# ASSISA.

*Coline Campbell* Late Provost of *Glasgow*. *Mathew Colguboun* elder.  
*James Colguboun* Late Baylie there. *Robert Caruthers* Merchand there.  
*Alexander Knox* Merchand there. *James Duncane* Merchand there.  
*James Blair* Merchand there. *William Cummine* Merchand there.  
*John Mc. Cowane* Merchand there. *Hendrie Hay* Merchand there.

*John Aitchesone* Lister.  
*John Finlay* elder Malisman.  
*Andrew Mudie* Late Baylie there.  
*Collin Mc. Luke* Merchand there.  
*James Mure* Malisman.

The justices finde the dittay relevant and ordaines the samine to be put to the knowledge of ane assise.

The assise Lawfully sworne no objectione in the contrare.

*Sr. William Purves Persuer*, produced the pannals their own judiciall confessions and declarations of the crymes 'abovewritten given be them before the saids justices and conforme thereto short dittays being drawn against them was read which declarations and confessions they judicially in presence of the assise adhered unto and are verbatim insert in the verdict of assise aftermentioned.

The assise be plurality of voyces elects and choyses, *James Blaire* in Chancellor.

The assise all in one voyce be the reporte and judiciall declaratione of *James Blaire* their Chancellor, finds the persons underwritten guilty and culpable of the treasonable crymes afterspecified to wit *Robert Buntine* in *Finnick Parish* to be guilty and culpable of rising in armes with the rebels and Marcheing allongs with them somtymes under the command of *Serjeant Howie* in *Finnick*, till they came to *Lanerke*, and from thence to *Collingtowne*, and being in armes with ane pick and sword drawn at the battell or late conflict, *John Harte* in *West-Quarter* of *Glasgurd*, to be guilty and culpable of going upon

the 24<sup>th</sup>. of *November Last*, on horsback with his sword to these rebels that rose in the west at *Drumbreak Shiels* on this syd of *Lanerk*, and joyning with them in their rebellious practises, and going all alongst with them to *Penland* where the fight was and haveing ane sword drawn in his hand the tyme of the battell *Robert Scot* in *Shawock* in the Parish of *Dalserfe* to be guilty; And culpable of joyning with the rebels late on foot upon the 18<sup>th</sup>. day of *November Last*, and going with other twelve of the rebels to *Torboltone* with their sword and armes, and of going alongst with the whole rebels army and coming with them to the water of *Aire*, and comeing with them to *Lanerk*, and there takinge the covenant with them. *Mathew Patonne*, to be guilty and culpable of joyning with the rebels that rose in the west at *Lanerk*, and of being in armes with ane fork and marching with the rebels to *Penland* where the Late conflict vvas, and that conform to there ovvn confessions of the samine crymes. *Sic Subscribitur.*

*James Blair.*

The justices therfor by the mouth of *James Barr Dempster*, of court discernes and adjudges the said *Robert Buntine*, *John Hart*, *Robert Scot* and *Matthew Patonn*, as found guilty by ane assise of the treasonable crymes abovevwritten mentioned in their dittay to be taken upon *wednsday*, next the 19<sup>th</sup>. day of *December* instant, betwveen two and four houres in the afternoon to the publick place of the toune of *Glasgow* vvhare the cross formerly stood and there to be hanged on ane gibbet till they be dead and after they are dead their heads, and right hands to be cut off and put on the most publick places of the said toune of *Glasgow*, and all their Lands, heretages, moveable goods, and gear to be forfait, escheat and inbrought to his Majesties use as found guilty by ane assise of the treasonable crymes foresaid vvhich vvas pronounced for doom vvherrupon, *Sr. William Purves* his Majesties Sollicitour, and representer of his Majesties Advocate asked and took instruments.



*The proces and endytment of nyne moe of  
these martyrs who were sentenced together at Edin-  
burgh the 18. of December 1666. And Six wherof  
suffered therat upon Saturday the 22. of the said moneth  
December all upon the former accompt of the Pentland  
testimony November wednsday 28. 1666.*

**Curia Justiciaria , S. D. N. Regis ,**  
tenta in Pratorio burgi de *Edenburgh*, decimo  
octavo die mensis Decembris, 1666. *Per Do-*  
*minum Joannem Hume de Rentone*, Cle-  
ricum Justiciaræ S. D. N. Regis ,  
*Et Magistrum Gulielmum Mur-*  
*ray Advocatum Justicia-*  
*rium deputatum.*

*Curia Legittime Affirmata.*

**INTRANT.**

*Mr. Hugh, M<sup>c</sup>. Kail.*

*Thomas Lenox.*

*Umphey Colquhoun.*

*Ralph Shiels Cloathier in Aire.*

*William Pedin Merchand in Aire.*

*John Wodrow Merchand in Glasgowe.*

*Robert M<sup>c</sup>. Millane.*

*John Wilsone in the Paroch of Kilmaers.*

*Mungo Kaipe in Evandale.*

**Y**E are indyted and accused, *That where, &c. here to insert the dittay as it is formerly.*

**PERSEWER.**

*Sr. John Nisbet of Dirltoun Knight  
his Majesties Advocate.*

My Lord Advocate produced a warrand, from the Lords of his Majesties privy Councell, wherof the tenore followes; *AT. Edinbrugh the fyfteenth of December 1666; The Lords of his Majesties privy Councell, ordains. My Lord Advocate, to draw ane endytment, against Ralph Shiels Englishman, William Pedine Merchant in Aire, John Woddrow in Glasgow, Robert Mc. Millane Souldier in Galloway, John Wilson in . . . And Mungo Kaipe. And to persue them before the justice and his deputes, as traitours; for which these shall be a warrand, Sic Subscribitur.*

*Montrose I. P. d. Con:*

The dittay being reade, with a note of each one of the pannals particulare facts, wherof they were guilty, conforme to their confessions, made before the Lords of his Majesties seeret Councell, and they being severally accused therof, they all confest the samyne to be true.

**A S S I S A.**

*Sr. William Murray of Newtoun.*

*John Smallase dean of Gild of Dumbartone.*

*James Pollock Merchant.*

*John Craw Merchant.*

*Arthur Buchanan of Sound.*

*John Gray Merchant.*

*Thomas Harper Cordoner.*

*James Tait Merchant.*

*Robert Young Merchant.*

*Thomas Forbes of Blacktoun.*

*Lieutenant Collonell George Heriote.*

*John Scotte Merchant.*

*James Gilcreis Merchant.*

*Patrick Boribick.*

*Robert Robertstone Merchant.*

The assise Lawfullie sworne, no objectione in the contrary.

The pannals in-prefence of the assise, repeats the former confessions of their severall and particulare facts, mentioned in their examinations,  
taken

taken before the Lords of secrete Councell, which are specially insert in the verdict of assise aftermentioned.

The assise elects *Sr. William Murray of Newtoun their Chancellor.*

The assise all unanimously in one voyce, by the reporte of *Sr. William Murray of Newtoun their Chancellor*, findes the pannals *Mr. Hugh Mc. Kaill, Umphray Colquhonne, Thomas Lenox, Ralph Shiels, William Pedine, John Woddrow, Robert Mc. Millane, John Wilson and Mungo Kaipe;* to be guilty and culpable, of the particulare treasonable acts aftermentioned contained in the dittay, To witt. *The said Mr. Hugh Mc. Kaill* to be guilty, of being with the rebels at *Uchiltrie*, and at *Aire*, when a party of them wer there, and at *Lanerk* and *Cumnock*, armed with a sword, and comeing alongst on horsback, and being at severall *rendevonzes* with them. The said *Umphray Colquhonne* to be guilty, of comeing in to the rebels, and joyning with them at *Kilmarnock*, and comeing alongst with them in armes on horsback, and being with them at *Lanerk*, and being upon a party when the covenant was taken there, and thence comeing alongst with them to the late fight, and that he had his sword drawn at the battell. The said *Thomas Lenox* to be guilty, of joyning with the rebels at *Douglasse*, and comeing alongst with them to *Lanerk*, where he took the covenant, and that he came alongst to *Pentland*, the place where the late conflict and defeate was, upon horsback, and that he was in armes and had his sword drawn at the fight. The said *Ralph Shiels* to be guilty, of engadging with the rebels, and that he was at *Uchiltrie* and *Lanerk*, where he took the covenant with the rest, and that he was a Footman, under the Command of *Major Lermont*, that he came alongst with the rebels to *Pentland*. and that he was at the fight, where he was taken prisoner. The said *William Pedine* to be guilty and culpable, of comeing unto and joyning with the rebels, when they were at the *mure Kirk of Kyle*, and that he was with them at *Lanerk*, and thence came alongst with them to *Pentland*, and was at the fight there, under the comand of *Captaine Arnot*, with horse, sword and pistolls. The said *John Woddrow* to be guilty, of comeing unto and joyning with the rebels, a litle beyond *Lanerk*, and of being with them when they took the covenant at *Lanerk*, and of comeing alongst in armes with them from *Lanerk*, with sword and pistoll, untill the tuesday that he came

came to *Edinburgh*, only to refresh himself, of purpose to joyne againe with the rebells. The said *Robert Mc. Millane* to be guilty, of comeing unto and joyning with the rebells, after they came from *Drumfries*, and going with them to *Uchiltry, Aire* and *Lanerke*, where he took the covenant with the rest, and that he came to *Pentland*, and was in *Ballmagachans troope* at the fight, where he was hurte. The said *John Wilson* to be guilty; of comeing unto and joyning with the rebells, at the *Moor Kirk of Kyle*, and that he was a Footman, with a sword and gun, under the comand of *Captaine Gordone*, and that he vvvas at *Lanerke*, and that he took the covenant vvith the rest, and came alongst vvith the rebells to *Pentlad*, and vvvas in armes at the fight. The said *Mungo Kaipe* to be guilty, of joyning vvith the rebells as a Footman under *Captaine Gordone*, and that he came vvith them to *Lanerke*, vvhere he took the covenant, and thence to *Pentland* vvhere he vvvas in fight. And that in respect of the pannals their ovvn confessions, both formerly made before the Lords of Privy Councell, and novv judicially renevved before us, in presence of his Majesties justice Clerk and justice depute. *Sic subscribitur.*

*William Murray.*

My Lord justice Clerk, and justice depute, decernes and adjudges, the said *Mr. Hugh, Mc. Kaill, Thomas Lenox, Umphray Colquhounne, Ralph Shiels Cloathier in Aire, William Pedine Merchand in Aire, John Woddrow Merchand in Glasgow, Robert Mc. Millane, John Wilson in the Parish of Kilmaers* and *Mungo Kaipe in Evandale*, as being foudh guilty, of the treasonable acts foresaid beane affise, to betane upon *Saturday next*, being the *twentieth two* day of this instant, betveen *two* and *four houres in the afternoone*, to the *mercate cross of Edinburgh*, and there to be hanged on a gibbet till they be dead, and after they are dead, their heads and right armes to be cut of, and disposed upon as the Lords of his Majesties privy Councell thall think fit, and all their lands, heretages, goods and gear to be forfault, and escheat to his Majesties use, for the treasonable crymes foresaid, vvch vvvas pronounced for doom; by *Henry monteish dempster of Courte.*



## The last Speech and Testimony of

Mr. H E W Mc. K A I L E,

*Preacher of the Gospel and Probationer for  
the Ministry, at his death in Edinbrugh,  
December 22. 1666.*

**B**Eing by a great surprisal of Providence, thus staged before the World, in a matter of so universall concernment to all that fear God and desire to be stedfast in his Covenant, I could not forbear to leave behind me this standing Testimony, concerning the Occasion and Uses thereof, for the Glory of God, for the Vindication of my Profession from the aspersions cast thereon by Men, and the Edification of these by my death, to whom I had devoted my Life in the work of the Ministry.

I have esteemed the Government of this Church by *Presbytery*, to be among the chief of the Ordinances of Jesus Christs, which by his blood he has purchased, and ascended up on high to bestow as a gift upon it; as being the very Gospell-Ministry in its Simplicity and Purity from the Inventions of Men, and so the Mean by which other Ordinances are administered, and the most fundamental Truths made effectual in the hearts of his People, and therefore that it ought with that same carefulness to be contended for. Experience both of the having and wanting of it, hath given it this Epistle of Commendation, so as it may be both known and read of all men: Which is also true of the solemn Engagements of the Nation thereto, by the Nationall Covenant, and Solemn League and Covenant, which I have esteemed in their Rise & Renewing, pregnant performances of that promise, *Isaiah. 44. 5.* where it is evident, that where Church Reformatiōs come to any maturity, they arrive at this degree of *saying I am the Lords & subscribing with the hand unto the Lord.* So was it in the dayes of the Reforming Kings of *Judah*, and after the Restauration from the Captivity in the dayes of *Nehemiah*: This same promise did the Lord Jesus make *Ye & A-men* to us, when he redeemed us from spirituall *Babylon*, which

is so much the greater evidence, that these were the very Motions of Gods Spirit in our first Reformers, that they were expressly designed against the greatest motions of the Spirit of Darknes in Antichrists and his supports, and against the greatest confirmations that ever these Abominations attained by the decrees of the Council of *Trent*, and that bloody Bond called, the *Holy League*. And therefore whatever indignity is done unto these Covenants, I do esteeme to be no less then doing despite unto the Spirit of Grace in his most eminent Exerting of himself; but especially *Declaring* against the same as flowing from a Spirit of Sedition and Rebellion, to be a Sin of the same nature with theirs, who ascribed Christ his casting out of Devils to *Beelzebub*; and that with this aggravation, that these *Scribes* and *Pharisees* came never the length of professing Christ, and submitting themselves to Him and his wayes.

But we are condemned to death upon the account of this Covenant, for adhering to the dueties therein sworn to, by such as once did as much themselves as we have done, and some of them more then some of us: Which considerations have moved me to great feares of Gods wrath against the Land, according to the curse that we are bound under, if we should break that Covenant, & in the fear of it many times to pour our my soul before the Lord; & as soon as I heard of a Party up in Armes in behalf of the Covenant; (all other doors beings shut, whereby the redress of the manifest violations of it might be obtained, and these by manifest & unheard of violence obruded upon others) to go along with them, being bound by that Covenant against detestable Indifferency and Neutrality in this matter, & to esteeme every injury done to any ingaged in this Covenant upon account of it, as done to my self: Very Conscience of duty urged me to this against some reluctancy or fear of what might follow. Upon the same reasons at *Lanark*, with the rest I declared my adherence to the Covenant, by my lifting up of my hand, after the Articles there of were read.

And here I cannot but with grief of heart acknowledg my fainting in a day of trial, that being ingaged with them upon such accounts, I many times in fear designed to withdraw, and at length did, which as it was the occasion of my falling into the hands of the Enemy, so I think among other things it was the cause why  
God.

God delivered me into their hands. Upon the same fear, in all my Examinations I have denied my engagement with them, and endeavoured to Vindicate my self by asserting the real designs I had to part from them, and have utterly cast away the glory of a testimony, which my very being in their company as a favourer of the ends of the Covenant, and as one willing to contribute my best endeavours for the promoting of them, but especially my declaring for the Covenant, did bear unto the Truth and Ordinances of Jesus Christ against this untoward Generation: This I confesse to be no less then a denying of Jesus Christ, and a being ashamed of his Words before men; but I hope the Lord who remembreth that we are but frail dust, shall not lay it to my charge, but according to his faithfulness and Grace will forgive me, who by this Publick Confession, take to my self shame and confusion of face, and fly to the propitiation offered to all sinners in Jesus Christ. And these things as they have procured this death unto me, as an act of Gods Justice; so they mind me of other evils in mine own heart, that have been the source of this my unwillingness to take on Christs' Cross: My heart hath not studied to maintaine that Spirituality in walking with God and Edifying Exemplariness with others, that became one that had received the first fruits of the Spirit and aimed at the Ministry of the Gospel, living in times of so much calamity for the Church of God, and particular afflictions as to my self. If I had spent my dayes in groaning after my house from Heaven, would I have shifted so fair an occasion of being clothed with it? Alas that I have loved my Lord and Master Jesus Christ so little! Alas that I have done so little service to him, that I have so little labour to follow Me to my Everlasting rest. This I speak to these especially, with whom I have familiarly conversed in my Pilgrimage, that seeing the Lord will not grant me Life to testify my real Reformation of these things, my acknowledgement at Death may have influence upon them, to study not only Godliness but the Power of it.

As I acknowledg that I have not been free and ingenuous in these particulars formentioned, so in other things, wherein I interponed that Holy name of God, as to the not being upon the Contrivance of this rising in Armes, nor privy to any resolution thereanent, nor conscious of any Intelligence at home or abroad concerning it, I was

most ingenuous : And they have wronged me much , who said that I denied upon Oath, that which they were able to make out against me , or knew to be truth ; But none alleage Perjury against me , but such as are so manifestly guilty of it before the World , that their tongues in such allegiances are no slander.

Although I be Judged and condemned as a Rebells amongst Men, Yet I hope even in order to this Action to be accepted as Loyal before God. Nay there can be no greater act of Loyalty to the King, as the times now go , then for every man to do his utmost for the Exstirpation of that abominable plant of Prelacy, which is the bane of the Throne and of the Countrey : which if it be not done, the Throne shall never be established in Righteousness, until these wicked be removed from before it. Sure I am these who are now condemned as Rebels against Him by them , are such as have spent much time in prayer for Him , and do more sincerely wish his standing, and have endeavoured it more by this late action so much condemned , then the Prelates by condemning them to death.

This *Disaster* hath heightened greatly the Afflictions of our Church, and ought to teach all of you to drink the Wine of Astonishment : Ye have not known tribulation till now ; Now we Judge them happy that are fallen asleep and removed far away , and know that God hath been taking away his Servants from the Evils that were to come. Know that God's designe is to make many hearts contrite, that have been formerly too whole , and have not lamented sufficiently the removeall of his Ordinances and Ministry, and the reproach rubbed upon the Work of Reformation. Beware that your sorrow be not a momentary motion of common Compassion, that vanisheth when it may be there is some intermission in this violent course of shedding innocent blood : Labour to have a constant impression that may sacrifice the heart, nay ye would live much in apprehension of approaching Judgment. Certainly the Withdrawing of many from us, and not contributing their help to the great work they were engaged to, as well as we, the generall Rising against us in many places of the Countrey, but above all this open-shedding of the blood of the Saints, which involveth the land in the guiltiness of all the righteous blood shed from the foundation of the World, have made *Scotland* fit fuell for the fire of Gods

**Gods Wrath.** I can say nothing concerning times to come, but this, All things shall work together for good to them that Love God, and so this present dispensation; And they shall have most comfort in this promise, who are most willing that such afflictions as we are brought to, be the way that God choiseth to work their good.

Commit wholly the management of all matters to God, and make it your intire study night and day to keep your very garments clean: It is hard in times of so generall Corruptions not to be defiled one way or other; be free of the Sin as you would be of the Judgments, which will certainly be such as will make all the Churches Know, that God is the searcher of the hearts and trier of the reins, *Revel. 2. 23.* and so will not be mocked by these pretences whereby, men colour their going along in an evill course, from the real Love that they have to a present world. If naked *Presence* amongst them who are esteemed Rebels by men, be sufficient to engage them in the Crime and Punishment (for that is all the ground of my Condemnation) shall not God be much more Zealous of his own glory, against all who so much as seem to go along with this course of backsliding.

As a good Mean and encouragement, to all the duties of our time, labour to be rooted and grounded in the Love of Jesus Christ; This will betender of any thing that may have the least reflexion upon him, His Words or Works, and will prompt the soul to Zealous appearing for Him at the greatest hazard, and to as much willingness to die for Him, as to Live that they may Glorify Him. And for the encouragement of yow all in this matter, I do declare, that ever since the day of my coming into prison, God hath kept my soul free from all Amazement or fear of death; that since my inditement and sentence, God hath so manifested Himself at several times, that he hath lifted up my soul above Prelats, Principalities, & Powers, Death & Hell, to rejoice & be glad in His Salvation; and from my soul to account him Worthy, for whom in this his Cause I should undergo the greatest shame or Paine; And to assured hopes of Eternal Communion with Him in Heaven: And that nothing hath more brangled my peace, then shitting an open and free testimony before my Examinators, to the work that I was engaged in.

I do freely pardon all that have accession to my blood, and wish that it be not laid to the charge of this sinful Land, but that God would grant Repentance to our Rulers, that they may obtaine the same reconciliation with Him, whereof I myself do partake. Truly I beleeeve many of them if not instigated by the cruel Prelats (at whose door our blood doth principally lie) would have used more mitigation: But that reluctancy of mind to shed blood, will be so far from Vindicating of them, that upon the contrary, it will be a witness against them in the Day of the Lord.

I heartily submit my self to Death, as that which God hath appointed to all men because of Sin, and to this particular way of it, as deserved by my particular Sins. I praise God for this Fatherly chastisement, whereby he hath made me in part and will make me perfectly partaker of his Holiness. I glorify Him that called me forth to suffer for His Name and Ordinances, and the solemne engagements of the Land to Him, and that he hath taken this way to take me away from the evil to come. The Lord bless all His Poor Afflicted groaning People that are behind.

Hereafter I will not talk with flesh and blood, nor think on the Worlds consolations: Farewell all my Friends whose company hath been refreshful to me in my Pilgrimage; I have done with the Light of the Sun and Moon. Welcome Eternal Life, Everlasting Love, Everlasting Praise, Everlasting Glory. Praise to Him that sits upon the Throne, and to the Lamb for ever. Though I have not been so with Thee as I ought to have been in the House of my Pilgrimage yet thou hast made with me an Everlasting Covenant, Ordered in all things and Sure. And this is all my Salvation, and all my desire. Bless the Lord O my Soul! that hath pardoned all my Iniquities in the Blood of His Son, and healed all my Diseases, Bless Him O all ye his Angels that excel in strength, ye Ministers that do his pleasure. Bless the Lord O my Soul! Hallelujah. *Edinburgh Tolbooth, December 22. 1666. Sic subscribitur*

HEW Mc KAIL;

**I** have heard that some of the Prisoners are willing to save their lives by taking the *Declaration*, That is, by abjuring that Work and Cause for which they adventured their Lives: Which if they do,



do, our blood shall bear witness against them in the great Day of God. And God shall so punish some of them in this Life, that they shall curse the day that ever they shifted to dy on a scaffold.

HEW<sup>d</sup> McKAIL.

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The Testimony of  
**JOHN WODROW,**

*Merchant in Glasgow, who died at Edinbrugh,  
 December 22. 1666.*

*Dear Friends.*

**I** Am condemned to die I shall say little concerning men who have judged and condemned me, they are to answer to God for it; But I bless the Lord, who hath counted me worthy to die for so good and honourable a cause. And that I be not mistaken after I am gone hence, I have thought fit to testify that in singleness and sincerity of heart, I came into the service, not constrained but from conscience of my being engaged by Covenant to God, and with a full purpose to perform my vows made in that Covenant unto the Lord, in the strength of Jesus Christ; And that I might endeavour to restore again the precious Ordinances to their former purity & power, and to recover the fair Church in this Land (which our blessed Lord hath purchased to Himself, and bought at so dear a rate) to her former Beauty, which is now defaced: And particularly to bring down that Antichristian Prelacy, and that perjured crue of Prelats, who have so perfidiously wronged the Interests of our blessed Lord and Master, Jesus Christ. This is the only Cause for which I undertook this service, and joyned with others my dear and Covenanted brethren; And that I had no intention to wrong the King's person or Authority, but to seek his real good, according to my duty in the Word of God, and also as I swear in the same Covenant wherein I did swear against Prelacy. And notwithstanding I be condemned of men

as a *Rebel*, yet I am justified of God, my God and Father, in and through my Lord and Saviour Jesus Christ, who giveth me sweet peace of conscience and joy of heart: I grant it is not enough to justify me before Him, that I had a just Cause, unless likewise I had, therewith the acceptance of my person through Faith in the Merits of Jesus Christ, who standeth in our nature in heaven, which I dare declare this day as a dying man, that I have obtained; for I am confident that through His righteousness made over unto me, He hath made me free, in which I shall stand for ever; and that within a few hours I shall see Him in peace, as I am seen of Him; and behold and wonder, and wonder and behold for evermore that most glorious excellency of His. And this yeeldeth to me great consolation in all my extremities, were they never so great; This I say is my peace and consolation this day, even Christ my Righteousness, who hath both accepted my Person and Cause: Therefore I count it a small thing to be judged and condemned of men, for my Testimony is on high, and my record in heaven.

And now, *my Friends*, I am condemned to die for adhering to my Covenant made with God, for Reformation of Religion and Conversation, to which all ranks of the Land are as well bound as I, though many (alas! too many) shaking off all fear of God have despised the Oath, not only by breaking the Covenant, but by professing and declaring avowedly the bond thereof null, and not binding either to their own or other mens consciences: And this mischief is framed by a Law, which doth greatly heighten the Sin; O! tell it not in *Gath*, and publish it not in *Askelon*. Oh! that this should be heard of amongst Papists and Pagans, that professed Reformed Protestants should stand in so little awe of a solemn Oath, and Name of the great and living God.

But I exhort and obtest you all, that so much the more as others have made void His Covenant you would esteem it the more precious, and closely follow the Reformation vowed, in every Article thereof, upon all occasion given you of the Lord; And that you abhor, detest and refuse any engagement whatsoever, that may wrong your Oath in the Covenant directly or indirectly, as ye would escape the wrath of God that is coming

on such breaking of Covenant, but rather choise the greatest extremity of affliction, then the least sin of this sort; as *Moses* did, who refused to be called the Son of *Pharaoh's* Daughter, but chused rather to suffer reproach for Christ; And be not afraid of suffering for Christ, as though it were an evill thing, neither scar ye at His crosse, for the Lord Himself saith, *My yoke is easy and My burthen light*; Yea it is lighter to us then to many that stand by: Believe; Faith maketh all burthens light to the believing Sufferer.

And now I beseech you believers in Christ, abide in Him and bring forth fruit unto Holiness, and study tenderness in all manner of conversation, and holiness without which no man shall see the Lord; And let not this profane and mocking Generation have any thing to reproach you with, but that whereof you would not be ashamed; that when you suffer ye may not suffer as evill doers, that whereas they speak evill of you, they may be ashamed that falsly accuse your good conversation in Christ. It is not knowledge nor a bare Profession that glorifieth God, but Tenderness, Holiness and Righteousness, that do commend Religion and His Cause to all men, and shall convince your Adversaries of their Wickedness in wronging you, and make them the more inexcusable in that day when they shall be judged: Yea, what know ye, but ye may win others by your tender and good conversation?

I recommend to you, that ye would be much and fervent in the use of that precious duty of Prayer, wherein most near Communion with God upon earth is to be found: Be much in prayer, with and for others, Forsake not the assembling of your selves together as the manner of some is (I wish they may see the evill of it who neglect it) but exhort one another, and so much the more, as ye see the day approaching: Earnestness and diligence will hasten the Lord's coming with relief unto you, and to the Lords born-down Work; and your slackness in this, may make the wheels of His chariot to move the more slowly. For the effectuell fervent prayer of the righteous availeth much with God; It will do more then Armies of men and weapons of War for your defence and deliverance.

I beseech you also, *my dear Friends*, that you acquaint yourselves with the Word of God in the Holy Scripture, that ye may have acquaintance with Jesus Christ who is clearly set forth

therein ; that ye may know Him in His excellency and come to love and believe in Him whom ye know ; that ye may be acquainted with His revealed will therein , and may know what is truth, and cleave fast thereto , from a sure persuasion that it hath the warrant of His Word ; and may be guarded against every error of the wicked, and that ye may fully know what is good and what is evil ; And that ye may suffer with confidence, when ye are brought forth thereto as I am.

Finally, *my dear Friends*, be ye perfect, be of good comfort, be of one minde, live in peace- and the God of love and peace shall be with you.

JOHN WODROW.

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The Copy of  
**J O H N W O D R O W,**

*His Letter to His Wife, dated Decemb. 22. 1666.  
 which was the Day on which He suffered.*

*My Heart,*

**R**everence the good Providence of the Lord our God, who can do nothing wrong ; For whatsoever He doth is well-done, and my Soul saith, *Amen.* I had not a will of my own (my Heart) since that day wherein Yow and I parted, My Lord and my God captivated it, & brought it to a submission unto His will: I bless Him for evermore for it, that I was never left to my own will: Praise, O praise Him all ye living ! And O thou my soul praise the Lord for it. I bless the Lord for evermore that ever He visited my Fathers Family, that ever He condescended to come unto my Fathers Family, and to give a visit to the like of me: He visited me there, and set his Love upon me, and hath chosen me for this very end, to be a witness for his covenanted Reformation. For this my Soul is glad, and my Glory rejoiceth for this Honour wherewith He hath honoured me ; And that, though I be condemned to die by men on earth, yet am I justified of God through

through the blood of my Saviour Jesus Christ, who standeth in our nature in Heaven, and hath made me free through his imputed Righteousness made over unto me, in which I stand for ever; And within a few hours I shall see Him in peace, & I am seen of Him, and behold and wonder, and wonder, & behold for evermore, even that most glorious excellency which is in Him. All that which is spoken of Him is but litle: O my Heart, my dear Love, come and see I beseech yow! I thought I had known something of my dearest Lord before, that I had some love from and to Him before, But never was it so with me, as it hath been with me since I came within the doors of this Prison; many a precious visit hath his gracious Majesty given unto me. He is without all comparison; O love, love Him! O come to Him, O taste and see, and that shall resolve the question best. The thing I suffer for is the Covenanted Reformation. I bless God, and all that is within me doth bless and magnify His Holy Name for this, that Scotland did ever enter into a Covenant with the Lord, into a sworn Covenant, with the hand lifted up to the Lord: And I have now sworn and renewed this Covenant again for my self & you, and my four Children in all the parts and points thereof; And I pray, God help you to abide in the Covenant for ever.

And now I give you and my four Children unto the Lord, and commit you to Him as your Covenanted God and Husband, & my Childrens Covenanted Father. I say no more, but either study to be indeed a sincere Christian, & a seeker of His face in sincerity, or else you will be nothing at all. I recommend you and your young-ones to Him, who is God All-sufficient, and aboundeth in Mercy and Love to them that Love Him and keep his Covenant. The blessing of the Covenant be upon you, so fare you well.

So faith

*Your loving and dying Husband*

JOHN WODROW.

The Testimony of  
**R A L P H S H I E L D S,**  
*An English-man who died at Edinbrugh,*  
*December 22. 1666.*

*My Friends,*

**I** Am come here to die, and I thank God, it is not for evil doing that I now suffer: although I be charged with Rebellion against the Kings Authority, yet I declare before God and you all, that in all this matter I never intended to wrong his Majestie's just Power and greatness, but for conscience sake did respect Authority as the Ordinance of God appointed for the punishment of evil doers, and that I wish his Ma: all welfare both in this life, and the world to come, and that it may be his happiness to consider his Obligations to God and Perform the same, that so it may be well with him and his Posterity to many generations; and I pray God make him a friend to His Cause and the truly Godly who own the same, though falsely called Phanaticks or turbulent persons.

I declare I have such perswasion of the Interest of Religion Reformed, and sworn unto in the Covenant, that I dare venture not only to lay down my own life, but if every hair of my head were a man, they should all be put to venture for this cause: I would not have the world to stumble at the Cause, because of my death after this manner; for I rejoyce greatly in it, and I desire every good Christian as they tender their own souls that they would grip fast, lay hold on, and cleave to Jesus Christ and His way.

My coming out at this time (I say) was not against his Majesty, but for the Covenant which is now troden under foot; my intention was for the Cause of Christ; I take God to witness, it was nothing else I came out for, and for that I am free to lay down my life.

I bless God I am much encouraged in this, and not at all afraid to die for so good and clear a Cause; and I hope He will bring me thorow all my difficulties in this dark shadow of death: I hope I  
have



have the peace of a good conscience, and have had some glimpses from Jesus Christ of His countenance and reconciled Face, since I came into this prison, for which I desire to bless His Name with all my soul, heart and spirit. And I rejoyce that He has made use of me to suffer for His Cause; And I think it too little, not only to lay down my body, but (if it were possible) even my very soul at the stake for that Cause and for Jesus Christ my good and kind Master, who hath loved me and given Himself for me. I give the Lord thanks that I had some of His Presence since I came into this condition: and again I say, I am much encouraged and not afraid to die, and bless Him that I die not as a murderer, or evil doer, or Rebel to Authority, but for such a cause as this.

O that it were the happiness of my Nation of *England*, once to submit themselves unto the sweet yoke of Christs Reformed Government, under which this Nation of *Scotland* hath enjoyed so much of the Power and life of the Gospel, by a faithful Ministry according to the Covenant sworn by them both.

And now, my dear Friends in Christ, and fellow-Covenanters, though I be a stranger in this Land, being an *English-man*; but trusted by providence in the prosecution of my calling, to have my residence for a time here in *Scotland*, which I look upon, as a singular evidence of God's special love to me, though I be a stranger, I say, to many of you, yet I must be bold as a dying friend, to beseech you by the mercy of God, and by your appearance before Jesus Christ, when we shall have to do with none but Him as our Judge, that ye be faithfull and stedfast in the Cause of God; and Covenant which ye have sworn with hands lifted up to the most high God, which no Power on earth can loose you from, and that ye keep you from snares unto the contrary, and not suffer your selves to fall into a detestable Neutrality and Indifferency in that Cause of God; And especially that ye keep your selves free of any Engagements by word or write, that may wrong your Oath of the Covenant. I commit my Wife and Children to His care, who careth for them that put their trust in Him before the Sons of men, not doubting but they shall be eyed with goodwill and favour by the Godly, after I am gone. And now I render up my Spirit to Him who gave it me; and for whose sake I now lay down my life. To this God,

my Covenanted God, be glory, blessing and praise for now and ever, *Amen.*

That this is my mind and Testimony , which I leave behind me, I witness by my ordinary subscription,

R. SHIELDS.

## The Testimony of HUMPREY COLHOUNE,

*At his Death, in Edinbrugh, December*

22. 1666.

*Dear Friends and Spectators,*

**I** Am come here this Day to this Place to die this Death, for crimes for which ( I thank God ) my Conscience doth not condemn me. My crime, as is alleaged, is for Disloyalty against the King's Majesty; Yet I thank God, that my appearing lately with the Lord's People was from my sense of my obligation in the Covenant, and the sense of the wrongs done in the Land, and the crying oppressions committed therein. This was the end of my appearing for the Lord against His enemies, to bear witness against the same: The which obligation of the Oath of God, I judge that none on earth can loose the Conscience from. I bless the Lord again and again, I die for this Oath and Covenant; And I thank God also. that I have by the great mercy of the Almighty God in Christ Jesus, obtained mercy and forgiveness for all my transgressions both against the first and second Table of the Law: And that through that Ocean of grace which is in the Lord Jesus Christ. I believe that I am justified and sanctified, and believe now to be glorified with Him, by that blessed blood of His, which hath purchased this Salvation to me, through faith in the same, made application of, according to the good Covenant of grace, He hath performed this, out of his wonderfull and incomparable free-grace: And this is my joy and exceeding great rejoycing and consolation, and all my salvation, for which I am Grace's debtor through

throughout all Eternity. I die with this my Testimony, my adherence to the National Covenant, to the Solemn League and Covenant, to the Work of Reformation a great length carried on, and now overthrown most sinfully by ungodly Men, who have established their Apostacy by Law, which no just Power on earth could ever do. Also I adhere to the Presbyterian Government, the Confession of Faith, Catechisms Larger and Shorter, And to the Solemn Acknowledgement of the Church of Scotland, And Publick Testimonies thereof against the sins of the time: This day I rejoyce that He hath counted me vworthy to lay down my life for Him, as one that beareth witness against the breach of all the Sacred Oaths and Ties that were established in this Land, yea by the just Laws both of God and Man, which never could have been repealed lawfully, as this wicked Generation hath done.

Dear Friends, I hope ye will stand fast in this Obligation, and in the Solemn Oaths and Ties ye are under, and all the body of the Land also will be stedfast in the same, upon the greatest hazard ye can meet with; And that ye will study perfect holiness and nearness with God, which will help to keep you straight in this day of Persecution and sharp Triall that is now raging in this Land: I bless the Lord, I die not a fool, though some men have thought so of me by their speeches to me, since my imprisonment: neither durst I ever be the man to buy my liberty at such a dear rate as Perjury, and to shake off these blessed bonds I did willingly come under; And I thank God, I never yet to this moment rued or repented it; And sure I am it is better for me to suffer the worst of deaths, then to preserve my life by breaking the Oaths of God. I also give my Testimony against Prelacy and that wicked Hierarchy now established in this Land, as that which the Church of Christ could never bear untill this day, it being such a grand Enemy to the purity of the Gospel, and power of Godliness, yea a yoke which the Church of God groaneth under. I have no more to say, but commends all you the lovers of our Lord Jesus Christ to God Himself, and to the good word of His grace, which is able to build you up untill the day of His appearance, and to give you all an inheritance with them that are sanctified through faith.

faith in our Lord Jesus Christ. And subscribes my self an expectant and apparent heir of the grace of Christ.

HUMPHREY COLHOUR.

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The Testimony of  
**JOHN WILSON,**

*Who suffered at Edinbrugh, December  
22. 1666.*

*Good People and Spectators.*

**I** Am here condemned to die upon alleaged Rebellion against the King and his Authority, which God knoweth, I never intended. For in my judgement, a man's endeavouring to extirpate perjured Prelates and abjured Prelacy, according as he is bound by Oath in a sworn Covenant, may very well stand with a man's Loyalty to King and Countrey; for I am sure, the King and his Subjects may be happy, yea more happy in the extirpation of *Prelates* and *Prelacy*, then in their standing; Yea the Throne shall never be established in peace, untill that wicked plant be plucked up by the roots, which hath so much wasted and made desolate the Lord's Vineyard: For my part, I pray that the Lord may bless our King with blessings from Heaven, and make him a friend to the Interest of Christ, as the best way for the standing of his Throne to many generations; And I pray for all that are in Authority under his Majesty, that the Lord may not lay to their charge the innocent blood of His Saints, which they have shed. But the ground of my sentence is truly, the renewing of the Covenant with my God, and labouring to defend the same, according to my Oath: And this I profess is and was my duty, and by the grace of God will not quite it; And intoken hereof, I am here before you all to lay down my life in defence of the same, and require you all to be witnesses to this my Testimony; I do declare, I am not ashamed, but count it my glory. I do likewise declare this before you all in  
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the sight of God, the Judge of all hearts, that since the day I did first swear and subscribe this Covenant for Reformation, it hath been sweet unto me, for I am persuaded in my Conscience of the warrantableness thereof. I did swear the Covenant four times, and the last time at *Lanerk*, which was the sweetest time to me of them all; For with my whole soul I renewed it, and gave up both my soul and body to Him, to be at His disposal, which, I trust in God, I shall never rue. Heartly praise and thanks be to the blessed God, that ever it pleased Him to give unto this poor Church that mercy to enter in Covenant with Himself, that He might be unto us a Covenanted God, the richest mercy that can be bestowed on men. I have lived a Presbyterian in my judgement, according as I have sworn, and judge it to be the only way that God hath appointed in His word, for the Government of His Church on earth; for under that Government the power and practice of Religion hath greatly flourished, and many a soul has been converted to the Lord, and found sweet fellowship with Him in His Ordinances, by the Ministry of His honest and lawfully called Servants. And blessed be the day that ever I heard a faithfull sent Minister preach the Gospell. I do declare before heaven and earth that my whole designe in this Rising in Armes, was only against abjured *Prelacy* and *Prelates*, the great Oppressors of God's Interests, and cruell persecuters of His People, both in their consciences and bodies; and I judge their Government and way not to be conforme to the Word of God in the Holy Scriptures. I might cite many Scriptures to this purpose, but I shall only name two *Luke 22. 26. but ye shall not be so; but he that is greatest among you, let him be as the younger; and he that is chief, as he that doth serve.* And *1. Pet. 5. 3. neither as being Lords over God's heritage, &c.* Yea it may be seen from sad experience, that under their Government, the power of Godliness hath decayed, and avowed profanity and Popery it self hath increased, both to the dishonor of the holy Lord, and the great grief of the hearts of the Godly. I am so persuaded of the truth of the Covenant, and of the error of their way, and that Jesus Christ is the only King and Lord over His own House, and besides Him there is none else, for He will not give His glory to another, I am so persuaded of these things, that I dare seal the truth thereof with my blood, and am

faith in our Lord Jesus Christ. And subscribes my self an expectant and apparent heir of the grace of Christ.

HUMPREY COLHOUR.

The Testimony of  
**J O H N W I L S O N,**

*Who suffered at Edinbrugh, December*

22. 1666.

*Good People and Spectators.*

**I** Am here condemned to die upon alleaged Rebellion against the King and his Authority, which God knoweth, I never intended. For in my judgement, a man's endeavouring to extirpate perjured Prelates and abjured Prelacy, according as he is bound by Oath in a sworn Covenant, may very well stand with a man's Loyalty to King and Countrey; for I am sure, the King and his Subjects may be happy, yea more happy in the extirpation of *Prelates* and *Prelacy*, then in their standing; Yea the Throne shall never be established in peace, untill that wicked plant be plucked up by the roots, which hath so much wasted and made desolate the Lord's Vineyard: For my part, I pray that the Lord may bless our King with blessings from Heaven, and make him a friend to the Interest of Christ, as the best way for the standing of his Throne to many generations; And I pray for all that are in Authority under his Majesty, that the Lord may not lay to their charge the innocent blood of His Saints, which they have shed. But the ground of my sentence is truly, the renewing of the Covenant with my God, and labouring to defend the same, according to my Oath: And this I profess is and was my duty, and by the grace of God will not quite it; And intoken hereof, I am here before you all to lay down my life in defence of the same, and require you all to be witnesses to this my Testimony; I do declare, I am not ashamed, but count it my glory. I do likewise declare this before you all in  
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the sight of God, the Judge of all hearts, that since the day I did first swear and subscribe this Covenant for Reformation, it hath been sweet unto me, for I am persuaded in my Conscience of the warrantableness thereof. I did swear the Covenant four times, and the last time at *Lanerk*, which was the sweetest time to me of them all; For with my whole soul I renewed it, and gave up both my soul and body to Him, to be at His disposal, which, I trust in God, I shall never rue. Hearty praise and thanks be to the blessed God, that ever it pleased Him to give unto this poor Church that mercy to enter in Covenant with Himself, that He might be unto us a Covenanted God, the richest mercy that can be bestowed on men. I have lived a Presbyterian in my judgement, according as I have sworn, and judge it to be the only way that God hath appointed in His word, for the Government of His Church on earth; for under that Government the power and practice of Religion hath greatly flourished, and many a soul has been converted to the Lord, and found sweet fellowship with Him in His Ordinances, by the Ministry of His honest and lawfully called Servants. And blessed be the day that ever I heard a faithfull sent Minister preach the Gospell. I do declare before heaven and earth that my whole designe in this Rising in Armes, was only against abjured *Prelacy* and *Prelates*, the great Oppressors of God's Interests, and cruell persecuters of His People, both in their consciences and bodies; and I judge their Government and way not to be conforme to the Word of God in the Holy Scriptures. I might cite many Scriptures to this purpose, but I shall only name two *Luke 22. 26. but ye shall not be so; but he that is greatest among you, let him be as the younger; and he that is chief, as he that doth serve.* And *1. Pet. 5. 3. neither as being Lords over God's heritage, &c.* Yea it may be seen from sad experience, that under their Government, the power of Godliness hath decayed, and avowed profanity and Popery it self hath increased, both to the dishonor of the holy Lord, and the great grief of the hearts of the Godly. I am so persuaded of the truth of the Covenant, and of the error of their way, and that Jesus Christ is the only King and Lord over His own House, and besides Him there is none else, for He will not give His glory to another, I am so persuaded of these things, that I dare seal the truth thereof with my blood, and am

come hither for the same end, without any fear or amazement; yea if every hair of mine head were a man, I would have ventured all according to the Covenant which I made with my God; And although I be a poor polluted sinner, and my house not so with God, as it became; yet hath He made with me an everlasting Covenant, well ordered in all things and sure, and this is all my Salvation and all my desire; And I hope the Lord will soon tread down all His enemies with shame, and the enemies of His Covenant also. Therefore, let all that love the Lord Jesus Christ and His Truth and Covenant, take comfort and courage, notwithstanding of all that which is come to pass, And let them not be ashamed to adhere thereunto, whatsoever sufferings they meet with therein, for He will make up that loss in Himself, and avenge the wrongs done to Himself & them in His own due time: I assure you, Christ is a good Master to serve: if ye knew Him rightly & His cross, it is sweet & easy to the believer; for He maketh death to be life, and bringeth light out of darkness. I desire to follow the blessed Captain of my salvation through well and wo. I beseech you, *my dear Friends*, whom now I am to part with, that ye stand to the defence of all the truths of God and of His Word; & that ye receive the Lord Christ, as He hath offered Himself therein, ye who have not closed with Him; And that he who hath closed with Him, abide in Him by a lively faith and love, bringing forth fruits, that you may put credit on your profession, and keep off every thing that may shame your glorious and blessed Master before this evill and adulterous generation. And I give you all warning and exhort you heartily as ye love your own souls, and as ye will answer to Him, who shall judge the quick and dead, that ye stand fast in all the duties ye are sworn unto in the National and in the Solemn League and Covenant, both towards God, your King and one another: And that ye beware of snares in taking of any Oaths or Declarations contrary in the least, to the Oath of God in these Covenants. I leave my wife and little children upon Jesus Christ my Lord, who are now to be made a widow and fatherless for His sake, trusting, He will care for them; And I recommend them to the counsell and kindness of His people under Him. I can forgive the wrong done to me in taking away my life for this Cause, and wish God to be merciful to these  
that

that have condemned me, or have had any hand in my death: But blessed be God, that brought and hath kept me on His side of this Cause, and honoured me to be a publick witness for Him and His blessed Truth, and Cause; for which I shall praise Him in the World to come, whether I now go: yea I will praise Him on the borders of Death & Eternity. To His blessed Name, Father, Son, and Holy Ghost be praise for now and ever. So saith your dying friend for Christ.

JOHN WILSON.

A true Relation of the Sufferings and Death of

M<sup>R</sup>. H E W M<sup>C</sup>. K A I L,

*Preacher of the Gospel*

M<sup>R</sup> *Hew M<sup>C</sup> Kail* having passed, and improven the vertuous means of his Education (at the University of *Edinbrugh*, and with his Uncle *Mr Hew M<sup>C</sup> Kail*, Minister there, in whose family he did reside) to the satisfaction and good hope of all, in the Winter 1661. upon the very turne of this sad Catastrophe, offers himself to Tryall (being 20 years old) before the Presbytery of *Edinbrugh*, in order to the work of the Ministry; and being by them amply approved and licensed, and having preached at several times with the great benefit and applause of all his hearers, he did preach his last publick Sermon in *Edinbrugh*, in the *Great Church* thereof, upon the Sabbath immediatly preceeding that 8 of *September* 1662. the day affixed by the then Parliament, for the removal of the Ministers of *Edinbrugh*.

His text was *Song. 1. 7.* In this Sermon taking occasion to speak of the great and many persecutions, to which the Church of God hath been and is obnoxious; and amplifying the Point from the Persons and Powers who have been instrumental therein, he said, *that the Church and People of God had been persecuted, both by a Pharaoh upon the Throne, a Haman in the State, and a Judas in the Church; and falling to enlarge the several wayes and manner of the Persecu-*

tions of these men, & the issue thereof; the cases of *Haman* and *Judas* appeared in the conviction of his Adversaries, to have such a near resemblance to the state and condition of the then Rulers of State and Church, that though he did make no Application, yet he was reputed to be guilty thereof.

Whereupon, within a few dayes thereafter, there was a Party of Horsemen sent to the Place where he then lived near to *Edinbrugh*, for to seise his Person and make him Prisoner. But upon almost no more then a moments advertisement, he escapes out of his bed, and shifting only to another chamber, was miraculously preserved from the Search then used, though most diligent and accurate. For this cause, he being necessitated to leave that Place, retired home-ward to his Fathers house, where having lurked a while, and thereafter as occasions call'd him spent the four years that have since interveend', in several places and with much uncertainty. Yet during all this space, to the certain knowledge and sweet remembrance of all that conversed with him, he was most seriously exercised in the Study of Piety and true Knowledge, wherein as he greatly advanced above all his equals, so at length he became most eminent and exemplary.

While he is thus living and employed at his Fathers house, the late Troubles arising in the *West* fall out; and the newes thereof having alarmed him with the rest of that Countrey, upon the 18. of *Nov.* last, being the Sabbath, for such motives and upon such considerations as he himself doth fully afterward declare, he joined himself to those who rose in these parts for the assisting of that poor afflicted Party, as in their consciences, by their Covenant, they thought themselves indispensably obliged.

When and where he joined with them, or what was his part, or endeavours amongst them, needs not to be remembered. Only this is certain, that being of a thin body, and tender constitution, he was so disabled and weakened with the toil and fatigue of continual marching and tempestuous weather (particularly at *Air*, where he lay a considerable time, as if he had been dead, by reason of fainting) that he could no longer endure it. Whereupon, on *Tuesday Novemb. 27.* he was necessitated to part from them in the morning, near to the New Bridge upon *Cramond* water: And in his way towards *Libberton* Parish, about twelve

of the clock passing through *Bread's Craigs*, he was taken, without resistance, having only a small ordinary sword, by such of the Countrey-men, as were then sent out to view the fields; in which passage it is very observable, that his escape formerly mentioned was not more miraculous, then his present taking was fatal: for it is without question, had he but retained and observed the least of that advertingency and caution, wherein at other times he was known to be both ready & very happy, he might, without either hazard or trouble, have escaped this inconvenience; but God who gave him the full experience of his turning all things unto the good of them that love Him, did thus by his simplicity and folly, prepare the way for His own Glory and His servants joy and Victory.

Being brought to *Edinbrugh*, and first to the Towns Council-house, in their search for letters he was immediatly stript; and there being none found, committed prisoner to the Tolbuith.

Upon the Wednesday, being the 28 of *November* by order from the Secret Council, he was brought before the *Earle of Dumfries*, Lord *Sinclar*, *Sir Robert Murray of Priest-field* and others, in order to his Examination; and being interrogate concerning his joyning & being with the *West-land* forces, he conceaving himself not obliged by any Law or Reason, to be his own Accuser, to the destruction of his life, did plainly deny the question; but being desired to signe with his hand, what he had said and they caused write, though at first he appeared willing, yet partly being advised by the Lord *Sinclar*, to beware that he subscribed nothing, whereof the contrary would be found true, lest it might therefore sare the worse with him, and partly scrupling at the terms of *Rebells* and *Rebellion*; wherein the question and his Answer were conceived, and partly bethinking that a simple denyall may import more then the pleading of *Not-guilty*, he refused to subscribe his name, which being reported to the Council gave great offence, and brought him under the suspicion of a deep dissembler.

On *Thursday November 29.* being again called before his Examinators, upon the considerations mentioned, & for allaying the Councils prejudice, & preventing the inconvenience he might there-through sustain, he gives in a Declaration under his own hand, testifying, that he had been with the *West-land Forces*, with whom



he occasionally met, and that he resolved to have withdrawn from them upon the first opportunity, which he was also about to do when he was taken, without either offering to flee or resist, which he desired the Council the rather to believe, because he had told so much to *William Lawry of Blackwood*, a person employed from the *Lieut. Generall Dalzell* to the West-land Forces. But notwithstanding that *William Lawry* did testify this to be a truth, yet the Council retaining former impressions, and apprehending that the presence and confronting of some other Prisoners of the *Westland Forces* (who plainly declared their accession to that Rising) and their deposing concerning him, did only move *Mr Hew* to this acknowledgement, although it be certainly known, that he had formed and subscribed the same the night before, they fortify and persist in their jealousy, and suspecting him to have been a contriver of the Insurrection, and privy to all Designs and Intelligence relating to it, they dealt with him with great importunity to be ingenuous, and to declare who were the Ring-leaders of the late Rising, and what correspondence either at home or abroad was kept anent it: And this was done especially upon the *Monday Dec. 3.* at which time also the *Boots* (a terrible instrument of Torture, which the humanity of our latter times hath so much abhorred, that not only the fashion of them was forgot, but all Torture for their cause, disused; yet new ones such as they are) were laid before him, upon the Town Council-House table, and he certified, that if he would not confess, he should be tortured by them to-morrow. And accordingly upon *Tuesday Dec. 4.* he was again called before the Council, where, after the Examination & Torture of *John Nilson of Corsack*, he was again examined by the *Earle of Rothes* the Kings Commissioner, the *Marquess of Montrose*, and several of the Privy Councill, (in the Town Council-House) the Bishop of *St. Andrews* for the honor of his profession forsooth, and some others of the Counsellors upon more real and Christian motives, having at first withdrawn themselves: And being urged to confess, he declared, with a solemn Attestation, that he knew no more, then he had already confessed, whereupon they ordered the *Executioner* to put his leg into the Boot and to proceed to the Torture. But as he had before confessed and declared ingenuously all he knew, so this Torture (though in it self very violent and painful,



painful, by the extraordinary compression both of flesh, sinews and bones, by the force of timber wedges and hammer, & used upon him in a double measure, even to ten or eleven strokes, with considerable intervals; as there remained no truth concealed which it could extort) did not in the least move him to express any impatience or bitterness, but having sustained it most constantly and Christianly, before he got the last three strokes, he protested solemnly in the sight of God, that he could say no more, though all the joints of his body were in as great torture as that poor leg, and desires to know what could hinder them to believe one of his Profession, who had so solemnly declared as in the sight of God, that he knew no more then he had told, viz. that to the best of his knowledge, the Rising in the *West* was merely occasional, upon a discontent betwixt the people in the *Stewarty of Galloway* & *Sir James Turner*, to which every one did run, as their hearts moved them when they heard of it.

This Torture was the cause why he was not indicted with the first ten, who being arraigned and sentenced on *Wednesday Dec. 5.* were hanged on the *Fryday* thereafter, at the Cross of *Edinbrugh*. Many thought that considering his small accession unto that Rising, which neither was nor could be proven to be more, then what he himself had freely confessed, and that he had suffered such hard measure by Torture, & that not in order to the discovery of his own Crime, but the declaring of the Contrivers and his Complices, that the same should have procured him favor, but the matter was otherwise determined. Neither was the Sermon before mentioned, so quite forgotten, though ill remembered, and often repeated in Council in these words *Achab upon the Throne*, and no more, and therefore.

Upon *Monday* the 10 of *Dec.* he and other seven received their Indictments of Treason, & were accordingly summoned to appear before the *Iustices* on *Wednesday Dec. 12.* But his Torture & close Imprisonment thereafter (for so it was ordered) having cast him in a Fever; whereby he was utterly disenabled to make his appearance,

Upon *Tuesday Dec. 11.* he gave in to the Lords of Council his Supplication of the Tenor following viz. *that whereas I have received an Indictment of Treason, which was yesterday delivered to me, and I appointed to make answer thereto to morrow, and seeing in this matter of*

the higheſt importance, not only all the time allowed is very ſhort, but I am and have been ever ſince my Torture in a great diſtemper and Fever, beſides the great pain and utter inability of my leg, which hath conſtantly kept me bed-faſt, and doth render me incapable not only of minding my own Defence, but wholly unable either to walk or ſtand, far leſs to go and compeir before the Lord Juſtice, as I doubt not but Phyſicians will teſtify, if your Lo: will order them to viſit me, which I humbly beg; And ſeing my acceſſion to the Crimes libelled is ſo very ſlender, being only ſimple Preſence, and that not only occaſional, as I did declare before Your Lo: but alſo in ſome ſort retracted, and purged, by my purpoſed and actuall off-coming and deſerting; and laſtly ſeing I was put to ſore Torture, in order to a further diſcovery, with a promiſe of favor, in caſe of my Ingenuity, which I then ſingly uſed, as in the ſight of God, to the utmoſt of my knowledge: May it therefore pleaſe Your Lordſhips, graciouſly to conſider the Premiſes, ſpecially my utter inability to make my appearance, and to ſurceaſe any legall procedor againſt me, in this ſo weak and extream condition, and to diſcharge me of the foreſaid Citation and Appearance. And your Lo: answer.

This Petition and the following are therefore ſet down *verbatim*, that both the utmoſt of his condeſcendence may appear, and the fainting that he ſo much regrates in his laſt Speech, be the better underſtood. And with the ſame ſubſcribed by him, there was given in, an Atteſtation under the hands of ſeven Chirurgeons, declaring his weak and ſickly condition.

Hereupon the Council did order two Phyſicians, and two Chirurgeons (*viz* Sir Robert Cuninghame, Doctor Hay, James Bortwick, and Thomas Kinhead.) to viſit him, and to return their Atteſtation upon ſoul and conſcience, betwixt and the morrow at ten of the Clock, to the Juſtices.

Upon Wedneſday Decemb. 12. the Juſtices being ſet, the Atteſtation of the two Doctors and Chirurgeons above mentioned, is produced for *M. Hew M. Kail*, and other three of the Priſoners indicted, and their excuſe proponed thereupon. But the Juſtice finding, that the Atteſtation, not bearing *soul and conſcience*, did not agree to the Warrant and Order given by the Council, and that the Phyſicians being called, did reſuſe upon point of Priviledge to rectify it in theſe terms, although they declared, that the truth thereof was ſuch, as they

they might safely confirm it by Oath, they do only supersede their procedure against *M. Hew*, and other two contained in the Attestation, untill to morrow, and ordain *John Nilson of Corsock*, (though also contained in the Attestation, in respect the same as to his part, was not relevant,) and the other four, to be brought to the Bar, who accordingly being brought, were that day sentenced to be hanged on Fryday thereafter.

Thursday December 13. the Justice Court being set, adjourns untill Tuesday thereafter, and ordains *M. Hew* and the other two to be peremptorily sifted that day before the down-sitting of the Court. This afternoon, having obtain'd his Reprivall, in the thoughts of his dubious condition, he compos'd the lines following.

*Vita ergo innumeris curarum erroribus acta,  
Clausula consimilis perbreve finit iter.  
Distractor ambigui dubio discrimine sati:  
Aeger enim jaceo; sin revalesco, cado.*

Saturday Dec. 8. his Brother *M. Matthew* goes from *Edinbrugh* to *Glasgow*, with a Letter from the *Lady Marquess of Dowglas*, and another from the *Duchess of Hamilton* to the *Lord Commissioner Rothes* in his favors, but both proved ineffectual.

Like as his Cousin *M. Matthew M. Kail* carried another Letter from the *Lady Marquess of Dowglas* to the *Archbishop of St. Andrews* for the same purpose, but with no better success.

Dec. 18. Sitting in Judgement, the *Lord Renton Justice Clerk*, and *M. William Murray (Advocate) Justice Depute*.

*M. Hew* being indifferently recovered, he was brought before the Justice with other three that were arraigned with him. And first, the general Indictment is read, founded both on old and late acts of Parliaments, made against Rising and Assembling in Arms, and entering into Leagues and Covenants, and renewing the Solemn League and Covenant, without or against the Kings Authority, declaring the same to be Rebellion and Treason; and thereafter amply subsuming upon all the Acts, Deeds and Passages of the late Insurrection with many aggravations, particularly upon their taking and renewing the Solemn League and Covenant at *Lanerk*; And therefore charging them with, and concluding, that they ought to be punished for the

same as Traitors. After which *M<sup>r</sup>. Hew* his special Indictment is read, bearing, that he had risen and joyned with the *Rebels*, and was with them at *Air*, *Uchilery* and *Lanerck*, and several other places on horsback, and had kept and was at several of their Rendevouz's with a Sword. Whereunto *M<sup>r</sup>. Hew* being permitted to answer, began his discourse very constantly and composedly, declaring, that he looked upon himself, both from the conclusion of his Indictment, and what had happened to others, as a man appointed by men, and determined in himself to die, whereupon he thought himself obliged to use the greater ingenuity, and then affirmed, that he was not ashamed to avow that he was one of that afflicted and persecuted party and perswasion called *Presbyterian*. Thereafter he proceeded to speak of the Ties and Engagements that were upon the Land to God, in order thereto, and having commended the Institution, Dignity and Blessing of *Presbyterial Government*, he said that the last words of the National Covenant had alwayes great weight upon his spirit. Whereupon the *King's Advocate*, interrupting him, desired him to forbear that discourse, telling him that he was not there called in question for his perswasion, but for the crime of Rebellion, in rising in Arms against his Ma<sup>y</sup> Authority, to which he desired him to answer; whereunto he answered, that the thing which moved him to declare himself as he had, and would have done, was that weighty and important saying of our Lord Jesus, *Whosoever shall confess me before men, him shall the Son of Man also confess before the Angels of God; but he that denieth me and my words before men, shall be denied before the Angels of God*. As for the Rebellion he was charged with, he said, his Accession was only simple *presence* with a Sword, and that occasional, as his confession before the Council did bear. The *Advocate* answers, that not only *presence*, such as he was charged with, was treasonable, but all intercommuning or keeping company with *Rebels*, though for the space only of half an hour; and however, he said, he was guilty of a far deeper accession, and of many other things besides these contained in his own confession, whereupon the *Advocate* caused read his Confession, and also the depositions of severall others that were examined, in so far as they concerned him. *M. Hew* answered, that all the depositions read, contained no more then was in his own Confession, nor could they make out any more against him; and so in effect it was.

The *Advocate* after the sustaining of the Indictment, having made use of, and caused read the confessions of M. *Hew* and the other persons accused before the *Affize*, in place of Probation, referred the matter to their Cognition.

The *Affize* being enclosed gave their Verdict *una voce*, and by the mouth of *Sir William Murray* of *Newtown* their Chancellor, report him to be guilty of being with the *Rebells* at severall times and places, and at their Rendevouz with a Sword, according to his subscribed confession. However it was thereafter understood, that four or five of the *Affize*, did with reluctancy pronounce this Verdict, thinking death too great a punishment for so slender a Guilt, and that the major part of the *Affize* had cleansed him, if the fear of an *Affize* of *Error* had not prevailed with them.

The Verdict being reported, *Doom* was pronounced, decerning and adjudging him and the rest to be taken on Saturday Decemb. 22. to the Mercate Croſs of *Edinbrugh*, and there to be hanged on a Gibbet till they be dead, and that their Goods and Lands be escheated and forfeited for his Highness's use. At the hearing of which sentence, he cheerfully said, *The Lord giveth life, and the Lord taketh, blessed be the Name of the Lord.* And as he was carried back through the Guards to the Tolbooth, when the People made lamentation, he answered, *Though men cut us off, God will receive us, trust in God, trust in God.*

Being come to his Chamber, he immediately addressed himself to God by prayer, with great enlargement of heart for himself and his fellow-prisoners condemned with him. Being afterwards asked, how his leg was, which was tortured; he answered merrily, the fear of „ my Neck now maketh me forget my Leg. Thereafter he said, to another friend, „ O how good Newes, to be within four dayes journey to enjoy the sight of Jesus Christ, and protested „ he was not „ so cumbered how to die, as he had been sometime to preach a Sermon. To some women lamenting for him, he said, „ that his condition, though he was young, and in the budding of his hopes and „ labours in the Ministry, yet was not to be mourned for; for, said „ he, one drop of my blood, through the Grace of God, may make „ moe hearts contrite, then many years sermons might have done.

This afternoon he supplicat the Council for liberty to his Father to come & visit him, which being granted, his Father the next night

came to him. Their first meeting was very sad; & notwithstanding, that according both to the testimony of his Parents, and knowledge of all his relations, he was a most obedient Son; yet these inevitable infirmities which are incident to the best of men, and cannot but furnish sad convictions, when considered in the power and pure light of the spiritual Law of God, did greatly trouble him in the remembrance of the first commandment. The passage was thus. After prayer his Father said unto him, *Hugo, I called thee a goodly olive tree of fair fruits, and now a storm hath destroyed the tree and his fruits and branches.* He answered, *that his Fathers too good thoughts of him had afflicted him.* His Father said, he was perswaded, God was visiting not his own sin, but his parents sin upon him, so that he might say, *Our Fathers have sinned, and we have born their iniquity.* He said also, *I have sinned, shew poor sheep what hast thou done.* *M. Hew* answered with many groans, that through coming short of keeping the fifth commandment, he had come short of the promise, that his days should be prolonged in the Land of the living, and that Gods controversy with him, was for overvaluing his children, especially himself.

On *Thursday* the 20 of *December* more from the importunity of Friends, then of his own inclination, he gave in to the *Privy Council*, a Petition, as follows.

*That whereas upon Tuesday last I was indicted and condemned, for the treasonable deeds contained in the general and special Indictment exhibited against me; in the which special Indictment, containing my whole accession to the said Crimes, there is only libelled presence in several places, with an ordinary sword, likeas my own confession, which is the naked truth, doth declare, how the same was occasional; And seeing that it was also in some sort purged & retracted by my withdrawing and deserting with the first conveniency, whereby not only my case appears to be different from that of others, but also as favourable as possibly can be, next to innocency it self; likeas the same appeared no less to many of these Gentlemen who were upon my Assize. And seeing the Torture I sustained, and the ingenuity I then used, as in the sight of God, to the utmost of my knowledge, deserve that favour that was at that time insinuated; And that it is expected that his Majesty (whose mercy I beg) according to his great clemency and the most usual practice in the like cases, will interpose his mercy, for the rescue of many, who are equally with me involved. May it therefore please your Lordships*  
gra-



*graciously to consider the premisses; and to pardon my great rashnes and precipitancy, and therefore to indolge such a reprimall as your Lo. shall think convenient, until his Majesty's gracious pleasure anent the premisses shall be fully known; At least till the Commissioner his Grace, do return; And your Lo answer.* The words marked in this Petition by a different character, were the amendments of his Friends affection, which they were advised to put in, by some members of the *Privy Council*, to whom the copy of it had been presented immediately before the downsitting of the *Councill*; and thereupon the Petition being transcribed, was in so great haste presented unto him, to subscribe it, that he got it not read. However the Petition was both disrelished and refused by the *Council*; The truth is, some of his Friends exceeding zealous of his safety, had moved to several members of the *Council*, that the *Declaration* might be tendered to him, and some time permitted him to advise thereanent; which motion, it's like, was attended with some insinuations, that probably he might be induced to subscribe it; but as the motion was ineffectual without a warrand under his own hand, so even the Authors thereof do bear him witness of his positive, fixed and often declared resolution, not to subscribe it at the highest rate: Likeas, upon some surmises to the contrary, he thought it necessary for his own vindication, to leave it under his hand, that the above-mentioned resolution was from his own proper knowledge and motive, without the assistance of the least dissuasive from any other person.

During his abode in Prison, the Lord was very graciously present with him, both to sustain him against the fear of death, and to dispel all these over-cloudings of terror, unto which the frailty of flesh and blood hath sometime exposed the best of men; and also in assisting him in prayer and praises, to the admiration of all his hearers, especially on the Thursday's night Dec. 20. whereon being set a supper with his fellow-prisoners and his Father, and one or two besides, he requested his fellow prisoners, saying merrily, *eat to the full, and cherish your bodies, that we may all be a fat Christmajs Pie to the Prelates.* After supper in thanksgiving, he burst forth in blessing God, that had made him such a fool as to come to that prison; and after many gracious words, continued saying, *many crosses have come in our way and brought but weakly upon us, but here is a cross that hath done more and then all the many that befell us before.* Then lamenting the condi-

dition of the Church of God, with much earnestness, he used that exclamation in the last of *Daniel*, *What Lord shall be the end of these wonders!*

The last night of his life, being *Fryday Decemb. 21.* he proponed and answered himself, several questions, to the strengthening of his fellow-prisoners, and great refreshing of all his hearers, As 1. he inquired; *How should he, going from the Tolbooth through a multitude of gazing People and guards of Souldiers, to a Scaffold and Gibbet, overcome the impression of all these?* To which he answered; *By conceaving a deeper impression of a multitude of Angels who are also on-lookers; According to that, we are a gazing-stock to the World, Angels and Men: For the Angels rejoycing at our good confession are present to convey and carry our souls as the soul of Lazarus, unto Abraham's bosom; Not to receive them, for that is Iesus Christ's work alone; who will welcome them to Heaven Himself, with the songs of Angels and blessed Spirits; But the Angels are ministring Spirits, always ready to serve and strengthen all dying believers.* 2. *As Stephen saw the Heavens opened, and Iesus standing on the right hand of God, Who then said, Lord Iesus, receive my Spirit, so (said he) do I believe, that Iesus Christ is also ready to receive the souls of his dying sufferers.*

2. He enquired, *What is the way for us to conceive of Heaven who are hasting unto it, seeing the Word saith, Eye hath not seen, nor ear heard, neither have entered into the heart of man, the things which God hath prepared for them that love him?* Whereunto he answered, „that the Scripture helps us two wayes to conceive of heaven. The first is by way of similitudes, as in that *Rev. 21.* where „heaven is held forth, by the representation of a glorious City, there „described; but in the same place it is also termed the Bride; but O how „unlike are these two, a Bride and a City! which doth clearly evidence the insufficiency and vast disproportion of all such similitudes; and therefore he addeth, „the Scripture furnisheth yet a more excellent „way to conceive of heaven; and that is 1. by conceaving the love of „Christ to us, even what is the breadth and length and depth and „height and the immenseness of that love of Christ, which passeth „knowledge, which is also the highest and sweetest motive of praise; unto him, that loved us, and washed us from our sins in his own blood, and hath made us Kings and Priests unto God and His Father, to him be glory and dominion for ever and ever, Amen. „2. By

„ holding forth the love of the Saints to Jesus Christ, and teaching  
 „ of us to love him in sincerity, which is the very joy and exulta-  
 „ tion of heaven, Rev. 5. 12. Worthy is the Lamb that was slain,  
 „ to receive power, and riches, and wisdom, and strength, and honor,  
 „ and glory, and blessing. And no other thing then the soul breathing  
 „ forth love to Jesus Christ, can rightly apprehend the joyes of hea-  
 „ ven.

The last words which he spoke at supper, were in the commen-  
 dation of *Love* above *knowledge*, saying, „ O but notions of Know-  
 „ ledge without Love, are of small worth, evanishing in nothing,  
 „ and very dangerous. After supper, his father having given thanks,  
 he read the 16 Psalm, and his first words thereafter were, „ If there  
 „ were any thing in the World sadly and unwillingly to be lost, it  
 „ were the reading of the Scriptures. I said I shall not see the Lord,  
 even the Lord, in the land of the living, „ but this needs not make  
 „ us sad; for where we go, the Lamb is the book of Scripture, and  
 „ the light of that City, and there is life, even the river of the  
 „ water of life, and living Springs. To this he added many excel-  
 lent observations, and making mention of the 23 v. of the 31 Psal.  
 O love the Lord, all ye his saints, he added, „ that where love was,  
 „ it was so operative, that it made flesh, spirit; and where it was  
 „ not, there spirit was made flesh: thereafter he sung a part of the  
 Psalm.

Supper being ended, he cald smileingly for a pen, saying, *it*  
*was to write his Testament*, wherein he only ordered some few books,  
 which he had, to be redelivered to several persons.

He went to bed a litle after eleven of the clock, and having slept  
 wel till 5 in the morning, he arose and called to his Camerade *John*  
*Wodrow*, saying pleasantly, *up John*; for you are too long in bed;  
 „ you and I look not like men going this day to be hanged, seeing  
 „ we lye so long. Thereafter he said to him in the words of *Isaiab*  
*ch. 42. v. 24.* Who gave *Jacob* for a spoil, and *Israel* to the robbers?  
 did not the Lord? he against whom we have sinned, for they would  
 not walk in his ways, neither were they obedient unto His Law,  
 &c. „ and I think, *John*, (said he) I have not known it, nor do  
 „ I lay it to heart, as it is said in the end of the 25 verse. But,  
 „ *John* (said he) for all this be not affraid, but read the 43. ch. v. 1. 2.  
 „ for all will go well with us. *John*, said to him, „ you and I will  
 „ be

„be chambered shortly in heaven, beside *Mr. Robertson*. He answered, „I fear, *John*, you bar me out, because you was more „free before the Council then I was; but I shall be as free as any of „you upon the Scaffold. Before break-fast, he said, he had got a „clear ray of the Majesty of the Lord after his awaking, but it was a „little again over-clouded. Thereafter he prayed, „and attested „the Lord, that he had devoted himself to the service of God in „the Ministry of the Lord Jesus, and the edification of souls, very „early; adding albeit I have not been so with my God, yet thou „hast made with me an Everlasting Covenant, ordered in all things „and sure; this is all my desire, joy and salvation, albeit thou „make me not a house to grow. Now Lord, we come to thy throne, „a place we have not been acquainted with; earthly Kings „thrones have Advocats against poor men, but thy Throne hath Jesus, „an Advocate for us. Our supplication this day, is not to be „free of death, nor of pain in death, but that we may witness before „many witnesses, a good confession.

His Father coming to him that morning to bid him farewell, his last words to him were, after prayer and a little discourse, „that „his suffering would do more hurt to the Prelates, and be more edifying to God's people then if he were to continue in the Ministry, „for twenty years. And then he desired his Father to leave him, else he would but trouble him, „& I desire it of you, said he, As the „best and last service you can do me, to go to your chamber, and „pray earnestly to the Lord to be with me on that Scaffold: for „how to carry there is my care, even that I may be strengthened to „endure to the end.

About two of the clock in the Afternoon, he was carried to the Scaffold with other five that suffered with him; where he appeared to the conviction of all that formerly knew him, with a fairer, better and more stayed countenance then ever they had before observed. Being come to the foot of the Ladder, he directed his speech North-ward to the multitude. And premising, *That as his Tears in the World had been but few, so his Words at that time should not be many*. He spoke to the People, the speech and Testimony which he had before written and subscribed.

Having done speaking to the People, who heard him with great attention, he sung a part of the 31 Psal. and then prayed with such power

power and fervency, as forced many to weep bitterly. Having ended he gives his cloak and hat from him; And when he returned himself and took hold of the Ladder to go up, he said with an audible voice, *I care no more to go up this Ladder and over it, then if I were going home to my Fathers House;* And as he went up, hearing a great noise amongst the People, he called down to his fellow-sufferers, saying, *Friends and Fellow-sufferers, be not affraid; every step of this Ladder is a degree nearer Heaven.* Then having seated himself thereon, he said, *I do partly believe, that the Nobles, Counsellors, and Rulers of the Land, would have used some mitigation of this punishment, had they not been instigated by the Prelates, so our blood lyes principally at the Prelats door. But this is my comfort now, that I know my Redeemer liveth, and that he shall stand at the latter day upon the Earth, and though after my skin, worms destroy this Body, yet in my flesh shall I see God, whom I shall see for my self, and mine Eyes shall behold (pointing to his eyes) and not another, though my reins be consumed in me. And now I do willingly lay down my life for the Truth and Cause of God, the Covenants and Work of Reformation, which were once counted the Glory of this Nation. And it is for endeavouring to defend this, and to extirpate that bitter root of Prelacy, that I embrace this rope (the Executioner putting the rope about his neck.)* Then hearing the People weep, he said, *Your work is not to weep, but to pray that we may be honourably born through; and blessed be the Lord, that supports me. Now as I have been beholden to the prayers and kindness of many since my imprisonment and sentence; So I hope you will not be wanting to me now, in this last step of my journey, that I may witness a good Confession: And that you may know the ground of my encouragement in this Work, and what my hope is, I will read to you the last Chapter of the Bible; And having read it, he said, Here you see the Glory that is to be revealed upon me, a pure river of water of life, and so forth (read the place) where the Throne of God is, and the Lamb is in it, where his Servants serve Him and see His face, and His Name is in their foreheads, and the Lord God giveth them light, and they shall reign for ever and ever; and here you see my access to my Glory and reward. Let him that is a thirst come, and whosoever will let him take of the water of life freely. And here you see also my welcome, the Spirit and the Bride say, Come. Then he said, I have one word more to say to my Friends, (looking down to the Scaffold) where are*

M.

you?

you? You need neither lament me nor be ashamed of me in this condition, for I may make use of that expression of Christs, I go to your Father and my Father, to your God and my God, to your King and my King, to the blessed Apostles and Martyrs, and to the City of the Living God, the heavenly Ierusalem, to an innumerable company of Angels, to the General Assembly and Church of the First-born, and to God the Iudge of all, and to the Spirits of just men made perfect, and to Iesus the Mediator of the new Covenant; And so I bid you all farewell: For God will be more comfortable to you then I could be; And he will also now be more refreshing to me, then you can be: farewell, farewell in the Lord. Then the Napkin being put on his face, he prayed a space within himself, after which he put up the cloath from his face, with his own hand, and said, he had one word more to say, and that was to shew them the comfort he had in his Death, saying, I hope you perceaved no alteration or discouragement in my countenance and carriage, and as it may be your wonder, so I profess it is a wonder to myself, and I will tell you the reason of it: Besides the justnes of my Cause, this is my comfort, which was said of Lazarus when he dyed, that the Angels did carry his soul into Abraham's Bosom; so, that as there is a great solemnity here, of a confluence of People, a Scaffold, a Gallows, and People looking out at windows; so is there greater & more solemn preparation in Heaven, of Angels to carry my soul to Christs bosom. Again, this is my comfort, that it is to come in Christ's hands, and He will present it blameless and faultless to the Father, and then shall I be ever with the Lord. And now I leave off to speak any more to creatures, and turn my speech to thee. O Lord! and now I begin my intercourse with God, which shall never be broken off. Farewel Father and Mother, Friends and Relations; Farewel the World and all Delights, Farewell meat and drink, Farewel Sun, Moon and Stars; Welcome God and Father, Welcome sweet Lord Iesus, the Mediator of the new Covenant, Welcome blessed Spirit of Grace and God of all consolation, Welcome Glory, Welcome Eternal Life, Welcome Death. Then he desired the Executioner not to turn him over, untill he should put over his own shoulders himself, which, after praying a little within himself, he did, saying, O Lord! into thy hands I commit my Spirit: for thou hast redeemed my Soul, Lord God of truth. Thus in the 26 Year of his age, he died, as he lived, in the Lord.





*Folloueth the procefs and endytment, of thefe  
eleveen (excluding the aftermentioned Cornelius An-  
derson Taylor in Aire, the traitor and executioner of  
theſe nyn, who ſuffered at the brughs of Aire and Ir-  
vine, and who ſhortly afterward died miſerable.)  
who were ſentenced together at Aire, and ſo ſuffered at the  
ſeverall places, and upon the ſame dayes, deſigned in the ſen-  
tence pronounced againſt them, as is aftermentioned, being  
alſo upon the ſame accmpt of the faithfull testimony at  
Pentland upon wednsday November 28, 1666. as were the  
former tuenti-four as aforeſaid at Edinburgh and Glaſgow.*

**Curia Juſticiaria, S. D. N. Regis,**  
tenta in Prætorio burgi de Aire, vigeſimo quarto die  
menſis Decembris, 1666. Per Joannem Comitẽ  
de Kelly &c. Guilielmum Dromond. Carolum  
Maitland de Hatoune & Jacobum Crichto-  
ne vice comitem de Nidsdale Juſticiarios  
per commiſſionem S. D. N. Regis.

*Curia Legittime Affirmata.*

**T**He Comiſſione being read verbatim as it was at Glaſgow, only  
with reſpect to the different Comiſſioners.

**INTRANT.**

*John Grier in fairmarkland.*

*John Grahame ſervant to John Gordone in midtown of old cachane.*

*James Smith in old cachane.*

*Alexander Mr. Millan in Carsſairne.*

**M. 2**

*James*

*James Mc. Millane in Montdrochate.*

*George Mc. Kertney in Blairkenny.*

*John Shorte in the paroch of dalry.*

*Cornelius Anderfon Taylor in Air.*

*James Blackwood servant to John broune in sinnick paroch.*

*William Welch in the paroch of K. Patrick.*

*John Mc. Coul Sone to John Mc. Coul in Carssfairne.*

*James Murehead in the paroch of Irongray.*

**Y**E are accused and endyted & and so deduceing the other indytment verbatim without addition or diminutione.

PERSEWER.

*Sr. William Purves his Majesties sollicitoure.* And representer of his Highness Advocate.

*Sr. William Purves* Produced ane warrant granted to him be *John Earle of Rothes his Majesties high Commissioner* whereof the tenor followes, *Forasmuch as John Grier in Fairmarkland, John Grahame in Middiounne of old Cachane, James Smith in old Cachane, Alexander Mc. Millane in Carssphairne, James Mc. Millane, George Mc. Kertny in Blairkenny, John Shorte, Cornelius Anderfons taylor in Air, James Blackwood Servant to John Broune, Williame Welch, James Murehead in Irongray, John Mc. Coull Sone to John Mc. Coull in Carssfairne.* Have been accessory to the Late rebellione and involved themselves in the guilt therof as appears be their own depositions, and severall other witnesses; we doe therefore require yow *Sr. William Purves his Majesties sollicitour*, and as representing his Majesties advocate, to prepare dittays against the forsaid persons, and persew them criminally before the commissioners of Justiciary appointed for that effect, and in so doing these presents shall be your warrant, given under our hand at *Aire*, the twentieth and second day of December 1666.

*Sic subscribitur,*

ROTHES.

**S***R. William Purves* persuer for probatione adduced the Pannals their judicall declarations, and confessions of the samyne crimes taken before the justices forsaid which declarations and confessions being publickly read in presence of the assise the pannals judiciously adhered therto, and which confessions are set down in the verdict of assise aftermentioned.

AS

## A S S I S A.

Robert Clandinnine baylie of Kirkcudbright. John Cuninghame of Drinwae.  
 John Maxwell of Malnetoune Robert Straitoun glazier in Air  
 Andrew Crawford of Drings. John Caldwell Skinner there.  
 Hugh Montgomery of Biogh. Robert Hunter Merchand there.  
 Hugh Blaire of Blairestoun. William Robine Merchand there.

Charles Dalriddle Merchand in Aire.  
 William Boull Merchand there.  
 George Mortoun Merchand there.  
 Quintine Crawford Merchand there.  
 Alexander Blaire Merchand there.

The justices findes the dittay relevant and ordaines the samyne to be put to the tryall of ane assise.

The assise Lawfully sworne no objectione in the contraire.

The assise be plurality of voyces elects John Maxwell of Milntoun in Chancellor.

The assise all in one voyce be the reporte and judiciall declarati-  
 one of John Maxwell of Milntoun their Chancellor findes the persons  
 underwritten guilty, and culpable of the treasonable crymes un-  
 derwritten to witt John Grier in Fairmarkland to be guilty, and cul-  
 pable of going to the kirk of Frongray accompanied with William  
 Maxwell his Master to these who had taken Sr. James Turner, and  
 staying constantly with the rebells, and haveing ane sword of the  
 armes taken out of Aire, of being at Lanerke with the rebells and  
 holding up his hand to the takeing of the covenant, and of being with  
 the rebells that morning the fight was. John Grabame Servant to  
 John Gordone in Middtown to be guilty, and culpable of joyning with  
 the Rebells at Old Cachane the day after Sr. James Turner was taken  
 at Drumsfries, and Marching with them to their severall quarters  
 the Length of Collingroune armed with ane sword, and being at the  
 fight of Penisland, and his sword drawn in his hand. James Smith  
 in Old Cachane of Dalry to be guilty, and culpable of going to  
 Drumsfries, to the Old Cachane at the desire of Barscobe and Carsock  
 for the apprehending of Sr. James Turner, and with his associates in  
 taking, and apprehending the said Sr. James Turner being on hors-  
 back, and his sword drawn and continuing with the rebells untill  
 they came to Carssfairne, and Dalmeillingtoun. Alexander Mc. Mil-

lane to be guilty, and culpable of joyning with the rebels at the bridgend of *Monyhyve* in their back coming from the takeing of *S. James Turner*, and going to *Lanerke* with them, and takeing the covenant there and from thence going allongst with them to *Pentland*, and being at the fight haveing his sword drawn. *James Mc. Millane* in *Mon-drochat* to be guilty, and culpable of joyning with the rebels at the bridgend of *Keir*, and going and entring within the town of *Drumfries* at the takeing of *S. James Turner*, and haveing a sword drawn at the takeing of *S. James*, and going with the rebels to *Dalry* and *Dalmellington*, and Keeping rendezvouze with them. *George Mc. Kertney* servant to *George Mc. Kertney* of *Bleckitt* to be guilty, and culpable of joyning, accompanied with his Master, with the rebels at *Holm* of *Dalry*, and going allongst with them unto *Collingtoun*, and haveing a sword drawn the tyme of the fight. *John Short* in the paroch of *Dalry* to be guilty, and culpable of joyning with the rebels the day after the takeing of *S. James Turner*, being on horsback, and haveing a sword and going with the rebels to *Lanerke*, and takeing the Covenant with them there, and marching with them the Length of *Collingtoun* and *Pentland*, and haveing his sword drawn the tyme of the fight. *Cornelius Andersone Taylour* in *Aire* to be guilty, and culpable of joyning with the rebels at *Ochiltree*, haveing a sword for his weapons, and going allongst with the rebels the Length of *Collingtoun*. *James Blackwood* in the paroch of *Finnick* to be guilty, and culpable of being present at the takeing and wounding of *Mr. Alexander Ogilvy* minister at *Stewarton*, and the Schoolmaster there, upon funday the 18 day of *November* Last, and haveing a sword for his armes, that upon *wensday* there after he joyned with the rebels and marching allongst with them to *Ochiltree*, and the Length of *Collingtoun*, and of takeing the Covenant at *Lanerke*. *William Welch* in the Parish of *Kilpatrick* to be guilty, and culpable of joyning with the rebels at the same parish kirk from thence going with them to *Torbolton*, and all allongst to the fight with a sword in his hand in *Monrieffs* troope. *James Murehead* in the paroch of *Frongray* to be guilty, and culpable of joyning with the rebels at the kirk of *Frongray*, and going allongst with them to *Drumfries*, and there took, *S. James Turner* haveing a sword for his armes. *John Mc. Coul* son to *John Mc. Coul* in *Carsfairne* to be guilty, and culpable of joyning with the rebels at

*Carsfairne* haveing a horse and a sword, and going with the rebels to *Lanerk*, and there takeing the *Covenant* with them, and that conforme to their own judicall declarations and confessions of the samyne crymes :

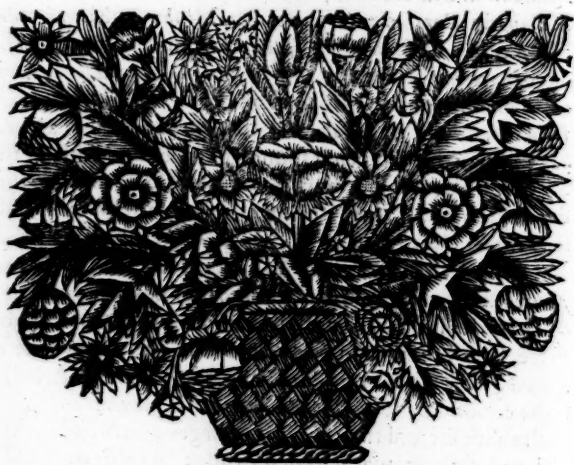
*Sic subscribitur,*

JO: MAXWELL.

**T**He said day his Majesties justices be the mouth of *John Mc. Adam* Dempster of court discerned and adjudged the said *John Grier* in *Fairmarkland*, *John Graham* servant to *John Gordone* of *Midtown* in *Old Cachan*, *James Smith* in *Old Cachane*, *Alexander Mc. Millane* in *Carsfairne*, *James Mc. Millan* in *Montdrochat*, *George, Mc. Kerney* in *Blairkenny*, *John Short* in the paroch of *Dalry*, *Cornelius Andersone* raylour in *Aire*, *James Blekwood* servant to *John Browne* in *Finnick* paroch, *William Welch* in the parish of *Kirkpatrick*, *John Mc. Coull* sone to *John Mc. Coull* in *Carsfairne*, and *James Murehead* in *Irongray*, as being found guilty be ane assise of the treasonable crymes contained in their dittay. To be taken to the places underwritten and there to be execute in maner after specified viz. the said *James Smith* *Alexander Mc. Millane* *James Mc. Millane* *George Mc. Kerney* *Cornelius Andersone*, *John Short* *John Grabame*, and *John Mureheade*, to be taken upon *Thursday* next, the *twentie* and *seventh* of *December* instant, to the *Mercate* cros of the brough of *aire*, and there, betwixt *two* and *four*e a'clock in the afternoone to be hanged upon a gibbet till they be dead, and there heads and their right hands to be cut off, and to be disposed upon as *Lieutenant Generall Dromond* shall think fitt, and their Lands, heretages, goods and geir, to be forfeaulted and elcheat to his Majesties use; As also the saids *John Grier*, and *William Welch*, to be taken upon *Wednesday* the *second* day of *January* next to come 1667. yeare, to the *Mercate* cros of the brough of *Drumfries*, and there, betwixt *two* and *four* houres in the afternoone, to be hanged on ane gibbet till they be dead, and their heads and right hands to be cut off, and to be put on the ports and most publick places of the said toun of *Drumfries*. And all their Lands, heretages, goods and gier, to be forfeault and escheate to his Majesties use; And iklyke the saids *James Blakwood*, and *John Mc. Coull*, to be taken upon *Munday* the *last* day of *December* instant, to the *Mercate* cros of the brough of *Irvine*, and there, betwixt *two* and *four* houres in the afternoon, to be hanged one ane gibbet till they be dead,

and

and after they are dead their *heads*, and *right hands to be cut off*; and put upon the most publick places of the said toun of *Irvine*; and all there Lands, heretages, goods and geare, to be forfeit and escheate, to his Majesties use, which was pronounced for *Doomes*; whereupon *Sr. William Purves Persewer*, asked and tooke instruments.







*Followeth now after their raging in blood as is fore mentioned in the foresaid endymments, a process of forsaullture of the estates, and lives of so many as is aftermentioned in the processes following, whom the Lord in providence had wonderfully sheltered, and saved out of their hands the tyme of their horrid rage. As alleaging them accessorie to the foresaid Testimony at Pentland: wednsday November 28, 1666.*

**Curia Justiciaria, S. D. N. Regis,**  
*tenta in Prætorio burgi de Edinburgh decimo quinto  
 die mensis Augusti 1667. Per nobilem & potentem  
 Comitem Johanem Comitum de Athole Justicia-  
 rium Generalem dicti Supremi Nostri Regis  
 & Dominum Johannem Hume de Rentone  
 militem Clericum Justiciarium dicti  
 S. D. N. Regis.*

*Curia Legittime Affirmata.*

**Assessors to the Justices.**

*Alexander Earle of Linlithgow.*

*William Earle of Drumfries.*

**M**Y Lord Advocat produced ane act of his Majesties privy Councill wherof the tenor followes.

N

At

At Halyrudhous the Sixt day of *August* the Lords of his Majesties privy Councell considering the desire of the Justice Generall, Justice Clerk and Justice depute for having *Assessors* appointed to them in the process pursued against *Caldwell*, and others for *treason*, have *Ordained*, and *Ordaines* that with the Justice Generall, Justice Clerk, and Justice depute. The *Earles of Linlithgow*, and *Drumfries* do sit as *assessors*, and to vote therintill. *Extractum per me.*

*Sic subscribitur,*

PET: WEDDERBURNE.

His Majesties Advocate.

against.  
Wallace  
and others  
rising in  
armes de-  
clared and  
forfaulted

The which day Collonell *James Wallace*, Major *Joseph Lermone* . . . . *Maxwell* of *Mourieff Younger* . . . . *Mc. Cleland* of *Barscobe* . . . . *Mc. Cleland* of *Balmagiechane* . . . . *Cannone Yonger* of *Burnshalloch* . . . . *Cannoun Yonger* of *Barley* . . . . *Cannon Yonger* of *Montdrochat* . . . . *Welsh* of *Starr* . . . . *Welsh* of *Cornlie* . . . . *Gordone* of *Garrarey* in *Kells*, *Robert Challmers* Brother to *Gashgirth*, *Hendri Grier* in *Ballmacklellen*, *David Scott* in *Irongray*, *Johnne Gordone* in *Middlounne* of *Dalry*, *William Gordone* there. *William Mc. Knaught* there. *Robert* and *Gilbert Cannons* there . . . . *Gordone* elder in *Bar*, of *Kirk Patrick-durham*, *Patrick Mc. Knaught* in *Connoch*, *John Mc. Knaught*, his Sone . . . . *Gordone Yonger* of *Holme* . . . . *Dempster* of *Carrodow* . . . . of *Dargoner* . . . . of *Sundrywell* . . . . *Ramsay* in the *Maines* of *Arnestounne*, *Johnne Hutchesone* in *Newbottell* . . . . *Rew Chapland* to *Scotforbet*, *Patrick Listounne* elder portioner of *Langtounne*, *William Listounne* his Sone in *Crofthead*, *Patrick Listounne Yonger* in *Over-Listounne* . . . . *Wilkie* in the *Maines* of *Cliftenhal*, *William Mure* of *Caldwell*, *John Caldwell* of *Caldwell*, *Robert Ker* of *Kersland*, *Mr. Iohn Cuninghame* of *Bedland*, *William Porterfield* of *Quarelltounne*, *Alexander Porterfield* his Brother, *William Lockhart* of *Wicketshaw*, *John Hutchesone* of *Hairlaw* . . . . *Bell* of *Middilthous*, *William Denholm* of *VVasteshields*. His name is not in my Lord Advocats warrand to be infilted against, and was past frae judicially and therefore is delet. *David Pae* in *Pokelly*, *Mr. Gabriell Semple*, *John Semple*, *Mr. Iohn Guthrey*, *Mr. Iohn VVelsch*, *Mr. Samuel Arnot*, *Mr. James Smith*, *Mr. Alexander Pedine*, *Mr. . . . . Orr*, *Mr. VVilliam Vetch*, *Mr. . . . . Patounne*, *Mr. Iohn Kroockshankes*,  
Mr.

Mr. Gabriell Maxwell, Mr. John Carstairs, Mr. James Mitchell, Mr. William Forsyth. Being oft entymes called to compier before his Majesties Justice Generall, Justice Clerk or Justice Deputs to have underlyen his Majesties Laws for the *crymes* following, mentioned in the *dittay*; That where not-withstanding by the commone Laws and the Law of nationes and, the Laws and practick of this *Kingdome*, and many clear and expres acts of Parliament the rising of his Majesties subjects or any number of them, and their joyning, and assembling together in armes without his Majesties *command*, *warrant* or *authoritie*, and when the samen is not only without, bot against, and in opposition to his Majestie, and his *authoritie*, and Laws, are most *horrid* and *hainous crimes* of *Rebellione*, *Treasone*, and *lese Majestie* in the highest degree, and all persones committing or guiltie of the crimes or any ways accessorie thereto, or who doeth abait, assist, resett or intercommune with or keep correspondence with such *Rebells* or otherwayes does supply them in any maner of way, and being requyred by proclamatione or otherwayes, doeth not ryse with, and assist his Majesties Lieutenant, and others having power, and authoritie, for repressing the saids *Rebells*: Ought to be proceeded against, and severly punished as *traitors* Conform to the Lawes, and acts of Parliament of this Kingdome, And in speciall it is statut, and ordained be the thrid act of King Ja: the first his first parl: that *no man oppenly or nottourtly Rebell against the King under pain of Lyfe, Lands and goods*. And be the 27. act of the said King Ja: the first his second Parliament it is statut; That *no man shall willfully resist, mantain, and doe favoure to open, and manifest Rebells against his Majestie, and the comune Laws under the pain of forfaiture*. And be the 14. act of King Ja: the second his 16. Parliament *entruled sundry poynts of treasone*. It is statute that *if any man doe or committ treasone against the Kings persone or his Majestie or ryles in fier of wier against him, or resett any that hes committed treasone or supplies them in help, eas, or Counsell, they shall be punished as traitors*; And by the 144. act of King Ja: 6. Parliament 12. It is statut that where any declared traitor repaires in any part of this Realm, non of his Majesties subjects shall presume to *reset, supply or intercommune* with them or give them any *relief* or *conforte*, and that immediatly upon their repairing in the bounds all his Majesties good subjects doe their exact diligence in apprehending the said *traitors* and *Rebells*. And that with all speed they certifie his Majestie, or som of his secret Coun-

cell, or some perſones of authoritie, and credyt within the ſhyre, that ſuch *Rebells* are within the ſame, under the paine that the ſaids *Rebells* and *traitors* ought to ſuſtaine, if they wer apprehended, and convict by juſtice: Lykas be the 5. act of his Maſteſties late Parliament, and firſt ſeſſione therof, *it is declared*, that it ſhall be high treaſone, to the ſubjects of this Kingdome, or any number of them more or leſſe, upon any ground or pretext whatſomever, to riſe and continue in armes, to make peace or war, to make treaties or leagues with any foraigne princes or eſtats, or amongſt themſelves, without his Maſteſties ſpeciall authoritie, and approbatione firſt interponed therto; and all other ſubjects are diſcharged upon any pretext whatſomever, to attempt any of thoſe things, under the ſaid paine of *treafone*. And by the *ſeventh* act of the forſaid Parliament, and *firſt ſeſſione* therof, all his Maſteſties ſubjects are inhibited, and diſcharged, that non of them preſum upon any pretext, or authoritie whatſomever, to requyre the *renewing* or *ſwearing of the league and covenant*, or any other covenant, or publick oathes, concerning the government of the church and Kingdome, without his Maſteſties ſpeciall warand and approbatione; And that non of his Maſteſties ſubjects, offer to renew or ſwear the ſamen, without his Maſteſties warrand, as they will be anſuerable at their higheſt perrills. Nevertheles, the foreſaid perſones and their aſſociats, ſhaking off all fear of God, and conſcience of dutie and loyalty to his Maſteſtie, their native ſoveraigne prince, and naturall tenderneſſe to their Country, hes moſt perfidiouſly and treaſonably, Contraveened the ſaids Laws and acts of Parliament, and comitted the crymes foreſaid, in maner above ſpecified, in ſua far as this his Maſteſties ancient Kingdome, having for many years ſuffered and incurred, all the Calamities and miſeries and tragicall effects and conſequents, of ane civill war, and foraigne uſurpatione, and now after his Maſteſties happie reſtitutione, begining to recover of ſo long and waſting ane conſumptione, through the bleſſing of God and his Maſteſties incomparable goodneſſe and clemencie; And having by ane act of oblivione ſecured the lives and fortounes of the ſaids perſones, and others who were conſcious to themſelves, and might have juſtly feared to be under the laſh and compaſſ of Law and juſtice; and when his Maſteſtie and his good people, had juſt reaſone to expect ſecuritie and quyet at home, and aſſiſtance againſt his enimies abroad, yet they and a  
partie

partie of seditious persons retaining and persisting in their inveterat disloyalty, and disaffection to his Majesties Government and Laws, did take advantage and opportunity of the tyme, when he was engaged in a chargeable and bloody war, with divers of his neightbour-Princes and estates, being jealous of, and anoying his Majesties greatness and prosperitie, and the happines of these Kingdomes under his Government, and having contrived and projected, ane most horrid insurrectione and Rebellion, tending to involve his Majesties Kingdomes in blood and confusion, and to encourage and Strengthen his enemies, did ryle, convene and assemble themselves together in armes, and upon the day . . . of *November* last, did march to, and enter within his Majesties toune of *drumfries*, in ane hostill maner, with their draune swords, and other armes, and did beset the house where *Sr. James turner*, and other of the Officers of his Majesties forces was lodged for the tyme, and did violently sease upon the said *Sr. James* his person, and goods; within his lodging, and did detain and carrie him about with them captive. and as ane Lawfull prisoner, taken from ane enemy, and did search for, and would have taken the minister of the said toune, if he had not escaped; and while the forsaid persones wer in the said toune, they, their accomplices, and associates, did many other acts of *insolencie* and *Rebellion*, and having in maner foresaid, openly avowed and proclaimed their *Rebellion*, in so publick and insolent ane way, to the great contempt and affront of authority, they and their Complices, in pursuence of the same, did convocat his Majesties people, and subjects, and endeavored to stire them up, and perswade them to joine in the foresaid *Rebellion*, and sease upon the persones, horses and armes; and plunder and Riffe the goods and houses, of divers his Majesties good subjects, and in speciall of faithfull and loyall ministers, and be seditious sermons, insinuations and other practices, did so far prevail in the *Stewartrie of Kirkcubright*, and the *Shyre of Wigtonne*, and the *thyres of Aire*, *Lanerk* and other western *Shyres*, that many persons flocking and resorting to them and their Complices, they had the boldness and confidence, to send a considerable partie to his Majesties toune of *Aire*; and sease upon, and take all the armes were there; and not content to proceed to the hieght of *Rebellion* in maner foresaid, they and their Complices did presume, to regulat their monstrous and irregular *Rebellion*, and in the formality and frame, and under the

name and notion, to form and modell themselves in companies and Regiments, and to name Captains of foot, Comanders of troupes and other Officers, under the Command of the said *Collonel James Wallace, Joseph Lermonth*, and other persones of knowne disaffectione, to his Majestie and his Government; And though his Majesties Lieutenent Generall did march speedily, for repressing the said *Rebellione and insurrectione*. And his Majesties Councell did emit, and issue a proclamatione, *declaring the said insurrectione*, to be a *manifest and horrid Rebellione, and high treason*, and commanding the saids *Rebells* to desist, and Lay down armes, with certificatione if they would continue in their *Rebellione*, they should be proceeded against as *desperat and incorrigible traitors*, and discharging all his Majesties subjects, to joyne, resett, supplie, or intercommune with them, And commanding them to ryse, and joyn with his Majesties Lieutenent Generall, and the forces under him, under the pain of *treason*. Yet the foresaid persones and their accomplices did obstinately continue and march through the Countrie, in their modelled army, as if they had been ane enemy, and in ane capacity to encounter, and disput with armes, with his Majestie, their *Sovereign Lord*, and his forces, and did in a warlike and hostil maner and postoure, enter within his Majesties toune of *Lanerk*, and there upon the *twintie six day of November*, to palliat their *Rebellione* with the collour of *Religione*, did renew and take the *Oath of the Covenant*, and thence did march, quartering all alongst upon, and oppressing his Majesties good subjects, untill they had the boldness, and confidence, to approach within *two myles* of his Majesties citie of *Edinburgh*, where his judicatories and Lords of privie Councell and sessione wer sitting for the tyme, and having quartered all night within the parish of *Collingtroune*, at so nier a distance from the said citie the said persones and their accomplices, upon *wednesday the twentie eight day of November*, did dar and presum to encounter and fight with his Majesties armies and forces, under the Command and Conduct of his Majesties Lieutenent Generall, and other Officers, at *Pentland hills*, and did wound and kill in the said fight or conflict, divers of his Majesties good subjects, and endeavored and did all they could to destroy his Majesties army, untill by the mercie of god, and conduct and valour of his Majesties Lieutenent, and other Officers and Souldiers under him, they were vanquished, routed and dissipated.

Lykas,



Lykeas, notwithstanding the Laws, acts of Parliament and proclamations forefaid, and that thereafter a proclamation was emitted upon the *fourth* day of *December*, whereby his Majestie with Advice of his privie Councell, did again discharge and inhibit all his subjects, that non of them should offer or presum to harbour, refett, supply, correspond with, or conceall the persones therein mentioned, or any other who concure or joyned in the said last *Rebellione*, or upon accompt therof appeared in armes, in any part of this his Majesties Kingdome: Bot to pursew them as the *worst of traitors*, and present such of them as they shall have in their power, to the Lords of privie Councell, Shrieff of the Shyr, or Magistrats of the nixt adjacent brough royall, to be by them forthcoming by Law, certifieng all such as should be found to fail in their duty therin, they should be esteemed and punished as favourers of the said *Rebellione*, and as persones accessory and guilty of the samen. Nevertheless, divers of the forsaids persones, did not only disloyally faill in their duty, and did not ryse and joyn with his Majesties Livetenant Generall, and Officers under him, for repressing and subduing the saids *Rebells*, bot most *perfidiously* and *treasonably*, did their uttermost endeavours, to advance, strengthen and promote the said *Rebellione* and in ordere therto in the monethes of

*Ja: vj. and sixti six*, and several dayes thereof, or ane or other of the saids *monethes* or *dayes*, they met and conveened at the *Bankend*, *Caldwell*, *Knockenmade*, *Chitterflees*, the *Mernes*, and divers other places, within the westerne Shyres, and Shrieffdomes of

and did conclude and resolve to joyne with the said *Rebellious partie*, and being armed with swords, pistolls and other wayes; they joyned themselves in troupes and Companies, and did elect and choyse Captaines, Livetenants and other Officers, and did accept the saids charges and employments, and did accordingly ryd and march from place to place, and did wryt letters to friends and nighbours to joyn with them, and did intercept letters, that therby they might have notice and intelligence, where his Majesties armies and forces was, and of their forces, motions and designes, and to the same purpos did goe and send out others for intelligence, and divers other acts of treason and hostilitie, and in the moneths forefaids, as also after the defate of the said *Rebellious*, *partie*, in the *inshewing monethes*, betuixt the:

the said defate and the date of the said proclamatiōne, and ane or other of the saids monethes, and severall dayes therof, the forsaids perſones within the saids westerne Shyres and Shrieſſdomes of

within their own bounds, and their own tenants houses, and other places, did harbour, concealle, reſet, ſupplie, correſpond and intercommoun with the perſones, particularly above-named, contained in the said proclamatiōne, the said *fourth of December Ja: vj. and ſixtie ſix Years*, and others who concurred and joyned in the said late *Rebellion*, and who upone that accompt appeared in armes. In doing of which, and ane or other of the saids deeds, the forsaids perſones, and ilke ane of them, hes committed and incurred the paines and crimes of *treasone*, and are guiltie of being authors, actors, acceſſorie, airt and part therof, which being found be ane aſſiſe, they ought to be punished in their perſones and goods, to the terrour and example of others; Asthey, who upon the *twenti nyntb of May, twenti ſixt twenti ſeaventh and twenty eight dayes of June, firſt ſecond and thrid days of July*, reſpective, laſt by paſt, were Lawfully charged by *John Teſſier* herauld, *Alexander Murray*, and *James Aliſone purſevants*, to have found cautione, acted in the bookes of adjurnall for that effect, Lawfull tyme of day, being bidden, and the fornamed perſones not enterand nor compierand, to the effect aboue-written.

My Lord Juſtice Generall, Juſtice Clerk and their Aſſiſſers there for, by the mouth of *John Short Officer of court*, as dempſter therto, decerned and adjudged the hail fornamed perſones, and ilke ane of them, to be *denounced our Sovereigne Lords Rebels*, and put to his *highnes horne*, and all their *lands, heretages*, and other goods and gier what ſomever, to be *forfeited* and *eſcheat* to his Maſteſties uſe, *as out-Lawes and fugitives* frae his highnes Lawes, *for the treaſonable crimes* aboue written, which was pronounced for doom.

My Lord Advocate deſired the Juſtice Generall, Juſtice Clerk and their aſſiſſors, to proceed further to the tryall of the relevancy of the endytment, and the ſamen being found relevant; to put the ſamen to the knowledge of ane aſſiſſe, and receive witneſſ therintill notwithstanding of the parties abſence, and the forsaids perſones being found guilty be ane aſſiſe, to proceed to ſentence, and doom of forſaulture againſt them, and produced ane querie to the Lords of

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Council and sessione anent the case forsaide, with their advice and answer given thereto, whereof *the tenor follows*: Whither or not a persone guilty of high treason, may be pursued against, before the justices, albeit they be absent and contumacious, so that the Justice upon citation, and sufficient probatione and evidence, may pronounce sentence and doom of forfaiture, if the dittay be proven. The reason of the Scrapill is, that proceſs of forfaiture are not so frequent, and that in other ordinary crimes, the defendants; if they doe not appeare, are declared *fugitives*, and that the following reasons, appear to be strong and relevant for the affirmative; *primo* by the common Law, albeit a partie absent cannot be condemned for a crime, yet in treason, which is *crimen exceptum*, this is a speciality, that absents may be proceeded against and sentenced. *Secundo* by the first act of King James the fifth his sixth Parliament, it is declared, that the King hes good cause, and actione to pursue all somounds of treason, committed against his persone and Common-wealth conform to the Common Law, and good equitie and reason; notwithstanding there be no Speciall Law, act or provisione made thereupon: And theretofore seeing be the common Law, persones guilty of *lese Majestie*, may be proceeded against and sentenced, though they be absent; it appears that there is the same reason, that the justices should proceed against, and sentence persones guilty of treason, though absent, and that he is sufficiently warranted by the said act of Parliament Swa to doe. *Tertio*, it is inconsistent with Law, reason and equitie, that a persone guiltie of treason, should be in a better case, and his Majestie in worse, by the contumacy of an traitor, the samen being an additione, if any can be to so high a crime, and that he should have impunitie, and his Majestie prejudged of the casualitie, and benefite arising to him by his forfaiture. *Quarto*, The Parliament is in use to proceed and pronounce *forfaiture*, though the partie be absent, and in so doing, they doe not proceed in and by a *legislative* way. But as the supreme judges, and the Parliament being the fountaine of justice, what is just befor them, is just and warrantable, before other judicatories in the lyke cases. *Quinto* be the above-mentioned act of Parliament, it is statute, *that somounds and proceſs of treason* may be intended and pursued, after the decease of the delinquent, against his memory and estate, for dilating

dilating the one and forfaiting the other, whereupon sentence may follow to the effect foresaid; and therefor, seeing sentence may follow where the delinquent cannot be present, and is not in being, It were against all reason, that when they are willfully and contumaciously absent, they should not be proceeded against, and sentenced if they be guiltie: And it were most unjust, that his Majestie should be necessitat to call a *Parliament*, for punishing and forfaiting of persones being absent, or that he should wait untill they die, specially seeing in the *interim* the probatione may perish, be the death of the wittness.

*Followes the Lords of session there opinian.*

EDENBURGH.

*February twentie sixt Ja: vj. and sixtie seven.*

The Lords of Councell and sessione, having considered the *querie* under-written, presented to them by the Lord Bellenden his Majesties thesaurer deput: It is their opinion, that upon the justices citatione, and sufficient probatione taken before the judges and assise, they may proceed and pronounce sentence there-intill, and forfaitur against the persones guilty of high treason, though they be absent and contumacious.

*Sic Scribitur.*

JO: GILLMUIRE J. p. D:

My Lord Advocate produced an warrant and order direct to him be his Majesties Commissioner *whereof the tenor followes.*

These are hereby authorizing his Majesties Advocate, to pursue the persones aftermentioned criminaly before the Justice Courte, *forfaulting of their Lives and fortunes*, as being in the *Late Rebellion* in the West, and having acceSSIONE thereto. *Viz.* Collanell James Wallace, Major Joseph Lermonth, William Maxwell of Monrieff Yonger, John Mc.Clelland of Barscobe, John Gordone of Knockbreck, Robert Mc.Clelland of Balmagiebane, James Cannone of Burnshalloch Yonger, Robert Cannone of Mondrogate Yonger, John Welsh of Starr, . . . Welsh of Corneley, . . . Gordone of Garrary in Kells, Robert Chalmers Brother to Gathgirth, Hendrie Grier in Killms-Clelland, David Scot in Irongray, John Gordone in Midstone of Dalry, William Gordone there, John Mc. Knaights there,

there, Robert and Gilbert Cannons there, Andrew Dempster of Carrowodow, James Griersone of Dargoner, James Kirk of Sundywell, . . . Ramsay in the Maines of Arnestounne, Johne Huichesonne in Newbole, . . . Rew Chapland to Scofforbett, Patrick Liffounne in Calder, Patrick Liffounne his Sone, James Willkie in the maines of Clifftenhall, William Muvo of Caldwell, the Goodman of Caldwell, Mr. John Cuninghame of Bedland, William Porterfield of Quarreltonne, Alexander Porterfield his Brother, William Lockhart of Wickershaw, David Pæ in Pokellie, Mr. Gabriell Semple, Mr. John Semple, Mr. John Guthry, Mr. John Welsh, Mr. Samuell Arnot, Mr. James Smith, Mr. Alexander Pedin, Mr. . . . Orr, Mr. William Veatch, Mr. . . . Patounne, Mr. John Cruksbanke, Mr. Gabriell Maxwell, Mr. John Carstairs, Mr. James Mitchell, and Mr. William Forsyth, where-anent these presents shall be your warrant dated at Halyrudhouse, the . . . day of . . . Ia: vj. and sixtie seven Years.

*Sic Subscribitur.*

ROTHES.

The Justices finds, that conforme to my Lord Advocats desire, the fornamed persones may be both declared fugitives, for their contumacie and not appearing, and also insisted against for their *serfaulltur*. The criminall Letters being read, My Lord Advocat produced particular dittays against *certainas persones*. The Justices finds the dittays relevant, and Ordaines the same to be put to the knowledge of an allise.

My Lord Advocat declared he insisted *primo loco* against the persones following viz: Collonell James Wallace, Major Ioseph Lemonth, John Mc. Cleland of Barscobe, Mr. John Welsh, Mr. James Smith, Patrick Liffounne in Calder, William Liffounne his Sone, William Porterfield of Quarreltonne. The Justices continues the tryall of James Cannone of Barley, and James Griersone of Dargoner untill the first tewsday of November, being the first day thereof, as also continued the tryall of the forenamed persones, to the fifteen day of November next to cum, except these alreadye guiltie this day, and to be tryed to morrow.

## ASSIS A

James Sumerwell of Drum.

William Rig of Garberry.

Sr. Robert Dalzell of.

Walter Kennisly Secretary to the Generall.

John Ruthven Tutor of Cardine.

William Melvill of Dysert.

Colonell James Hay.

Sr. John Fallcouner Knight.

James Lockhart of Cleghorne.

James Hepburne of Bairfoot.

James Weymes of Pitcany.

George Elphinstoune of Selmer.

Major George Gram.

James Iohnstoune of Sheens.

Sr. William Ballendine Knight.

The affise sworne no objectione in the contrarie.

Sr. James Turner, aged fiftie years or thereby, sworne depones, that he saw Colonell Wallace, Lermont, Barfcob, Smith and Welsh at Drumfries, Aire, Lanerk, Collingtonne, Pentland, or at some of the said places: depones that Wallace and Barfcob acted as Commanders at the Rebellious partie; depones that they had all pistolls and swords, both the three Commanders and Smith and Welsh Ministers: That they were all at Pentland in armes in the Rebels armie.

Sic Subscribitur.

JA: TURNER.

David Scot in bridgend of Cornewells, aged fourtie years or thereby, married, sworne, depones that he saw the foresaids persones at Aire, Lanerk and other places with the Rebels, that Wallace and Lermont Commanded in chief, That he saw Barfcob there, and that the thrid in the armie, depones that he went with the rebels, and that all the foresaids Commanders and Ministers were in armes, with horses, swords and some of them with pistolls.

Sic Subscribitur.

DAVID SCOT.

Daniel Mitchell in Cumnock, aged fourtie years or thereby, married, sworne, depones that he saw Wallace, Lermont, Barfcob, Welsh and Smith with the Rebels, all alongst untill the conflick at Peniland, depones that he knowes that Wallace, Lermont and Barfcob had

Com.



Command in that armie, That they all had horses and armes, That he saw them march towards the day of the fight.

*William Laurie* of *Blackwood*, aged        years or thereby, married, depones that he saw *VWallace* and *Lermonth* with the *Rebells* at *Barbgate*, That *VWallace* sent a letter with the deponer to the Generall of the Kings forces, That *VWallace* commanded the *Rebellious* partie, That at *Collingtone* he asked who was *Mr. John VVelsh* at an persone, and he was showne to him be that persone. That he knew not *VWallace* of before, bot he himself and that partie called him so, and that they said he commanded, That *VWallace* sent a letter, signet with his hand in maner forelaid.

*Sic subscribitur.*

WILL. LAURIE.

*Patrick Bisset* baylie of *Lanerck*, aged        years or thereby, sworne, depones. That *James VWallace*, *Joseph Lermonth*, were with the *Rebells*, and in the deponents house, bot knowes none of the rest. That *VWallace* and *Lermonth* commanded in chief, and they had swords, pistolls and horses.

*Sic subscribitur.*

PAT: BISSET.

*David Phinny* in       , aged threttie years, married, sworne, depones that he saw *Patrick Listonne Elder*, and *VWilliam Listonne* his Sone with the *Rebells* in armes, at the deponents own house, in the parish of *Ratho*, the day befor the conflict at *Peniland*, depones he saw them march away with the *Rebells*, That *Patrick Listonne* did draw sheaves out of the deponents yeard, That *Patrick Listonne* had a sword, two pistolls and an durke.

*Hugh Phinny* in *Plate*, aged threttie six Years or thereby, married, sworne, depones that *Patrick Listonne* was with the *Rebells* at the *Plate*, in the *Parochine* of *Ratho*, That the deponer saw *Patrick Listonne* in armes; With an sword and durke. That he cam there with the *Rebells*, and went a way with them, and that he knew the said *Patrick Listonne* elder to be an of the *Rebells* number, That he went a way with them the day befor the fight.

*Archibald Hodge* in *Ortonne* in *Ratho Parish*, aged threttie six Years,

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swor:

sworne, depones that *Patrick Liffonne* and his Sone *William* were riding with the *Rebells*, That he saw them at the east end of *Ratho Kirk*, that day they came to *Collingstounne*, That the said *Patrick* had an sword and two pistolls, That *William* had an sword, That both of them went with the *Rebells*.

*William Gillespie* at *Newbridg* in *Kirklistounne Parish*, aged fiftie Years, married, sworne, depones that he saw *Patrick Liffonne Elder*, and *William Liffonne* his Sone in Companie with the *Rebells*, with Swords and Pistolls.

*James Cochrane* in *Knockenmade*, aged fiftie Years or thereby, married, sworne, depones, That upon the Saturday before the defeat of the *Rebells*, *Bedland*, *Mr. Gabriell Maxwell*, *Kersland*, and an other minister, came to the deponers house about mid night, and staid a long tyme, depones that immediatly thereafter he heard *Caldwell* give order to his tenents, to meet at *Chittirfleet* with their armes and best horse, this was at the deponers house. That the Sunday in the morning, depones, that these perones, and besids them, *Quarelltounne*, *Blackstounne* and *Quarelltounns Brother*, the Goodman of *Caldwell* Yonger, *Mr. Johne Carstairs* and others did meet on that Sunday at the *Chittirfleet*. That the deponer, being one of *Caldwells* tenents was there, depones that while they were at *Quarelltounne*, he heard that the *Earle of Eglintounnes* man was taken, and his letters taken from him, bot saw him not. Depones that they did march from *Chittirfleet* to *Langtounne*, in the night and from *Langtounne* to *Kilbryde*, *William Porterfield* being one of them, that they were thirtienyne, *Horsmen in Number*, armed with swords, and some had Pistolls, depones they marched from *Kilbryde* to the house of the muire in troupe and order *Caldwell* and *Mr. Gabriell Maxwell* one their head and *Blackstounne* one the rere, depones he heard *Mr. Gabriell Maxwell* say to *Blackstounne*, goe to your place in the rere, and *Blackstounne* did so. Depones that seing some countrie people, imagined them to be the Generalls armie, and that *Caldwell* and the other gentlemen did retire, and put themselves in order, bot it was found to be countrie people drying their horse. That when the gentlemen first saw them, they imagining them to be of the Generalls armie, that they retired to an mos. Depones that he heard *Caldwell* and that partie speaking amongst themselves, that they would goe to the *Southland* armie,

armie, and that he heard *Caldwell* and *Mr. Gabriell Maxwell* say this, that if *Porterfield* of *Quarrelltounne* were at them; That they would keep a privat Counsell. Depones that the Countrie people on the munday at night, fearing that they would joyne with the *Rebells*, desired to goe home, and that *Mr. Gabriell Maxwell* threatened them, and said if they would goe they might meet with a *mysesnye*.

*John Stevensone* in *Ramshead*, aged fiftie Years or thereby, sworne, depones that *Caldwells* Officer warned him and the rest of the tenents, to meet their Master at *Chitterfleet*, and that *Caldwell* gave him a sword, depones that he saw *William Porterfield* of *Quarrelltounne*, and the rest of the gentlemen at *Chitterfleet*. Depones that the *Earle of Eglintounns* man was taken before he came, that he saw the Footman there, that he heard his letters were broken up, and that they kepted him prisoner till night. Depones to the number & names of the other persons, to their jorney and travelling *conformis precedenti*, that *Blackstounne* was with them. Depones they formed themselves in troops, that *Mr. Gabriell Maxwell* desired them to ride in order, and there the deponer heard *Mr. Gabriell Maxwell* desire *Blackstounne* to go to his place in the *reere*, and accordingly he did go; That the Gentlemen seing the country people, imagining them to be the Generalls men, feared and retired out of the way. Depones that the Gentlemen told that they were to go by *Douglas* & that way; The deponer & the rest hearing that, suspected, & would not go with them; That *Mr. Gabriell* threatened them and said they might meet with a *mysesnye* if they would go away. That *William Porterfield* of *Quarrelltounne* was all alongst with them.

*John Nilstone* in *Ramshead*, aged thirty six Years or thereby, married, sworne; Depones that he knowes nothing of their riding in order, nor *Blackstouns* riding in the *reere*, that he saw none of the country people, that *Caldwell* and the rest of the Gentlemen never told them whether they were to go to the *Southland* party; as to their being at *Chutterfleet*, the rest of their Journey and number, depones *conformis precedenti*, and to the threatening of *Mr. Gabriell Maxwell*, and depones that *Quarrelltounne* went all alongst with them.

*John Andersons* in *Cadwell* aged twenty four Years or thereby, not married, sworne, Depones that the *Lairds* Officer warned them to go alongst with him, and that he did go; knowes nothing of the

the Earle of Eglintoun's servant; as to their Journey, number and marching, depones *conformis precedenti*. Depones that once they were in order of a troop, that Mr. Gabriell Maxwell rode on the head, and Blackstoun on the rere; That he saw William Porterfield of Quarreltoun go alongst; Depones as to the country people conforme to James Cochrane; Depones that on the munday the deponer suspected they were to go to the Southland army, that he heard some such surmise of that kinde; Depones that he heard that Eglintoun's man was taken, and his letters broken up, that alsoone as the deponer heard that they were going to the Southland partie, he thought it was a wrong way, and would not go with them; that Caldwell his Master desired him to stay.

John Caldwell in Lochend, aged thirty Years or thereby, married, sworne, depones that the Laird's Officer warned him to meet him at Chitterfleet; Depones that Bedland, the Goodman of Caldwell, Mr. Gabriell Maxwell, Mr. John Carstairs & divers others; That they were betwixt thirty and forty in number; knowes nothing of the Earle of Eglintoun's servant, bot heard of it; as to their marching, depones *conformis precedenti*, and that sometimes Caldwell and Mr. Gabriell Maxwell did put them in order; That he saw Blackstoun go to the rere and ride; That he saw the country people, and the Gentlemen were feared, conforme to the foresaid depositions. Depones he heard among the Gentlemen, that they were to go to the Southland party, where of he and the rest of the commons hearing, they would not go any further; That Caldwell commanded his tenents to stay, bot they would not; That Mr. Gabriell Maxwell threatened in maner foresaid.

William Caldwell in Whitehouse, aged . . . . Yeares or thereby, not married, sworne; Depones that he was warned by the Officer conforme as is before deponed. Depones he saw at Chitterfleet the Laird of Caldwell, the Goodman of Caldwell, Kerland, Blackstoun, Quarreltoun and severall others; Depones he saw the Earle of Eglintoun's servant there; and heard his letters were broken up, and he kept prisoner; as to their marching depones *conformis precedenti*; that once they were ranked in a troop, and that Blackstoun rode in the rere; he did hear the Gentlemen speaking about their going to the Southland army and that the Kings Live-Guard was betwixt the Gentlemen and them.

Robert

*Robert Ker* in *Keriland*, aged sixty years or thereby, married, sworne, depones that the *Laird of Keriland* his Master desired him to go to the fields with him, and that he, suspecting it to be to the *Rebells*, answered, it was better to stay at home and keep the *cow* and the *Kailstock*, and better to suffer then fight against the King.

*John Stewart* in *Swinrigmure* aged thirty six years or thereby, depones he was at *Chitterfleet*, that *Caldwell*, the *Goodman* of *Caldwell Younger*, *Blackstounne*, and *Quarrellioun* and his Brother, *Keriland*, *Bedland Cuninghame*, *Mr. Gabriell Maxwell*, *Mr. John Carstairs* and others were there. That he was there when the *Earle of Eglintons* servant was taken, brought in, and the letters broken up, and that he was kept till night as a prisoner; as to their marching and number, ryding in order, conformis. That *Mr. Gabriell Maxwell* said to *Blackstoun*, go to the *rere*, and he went; That as to the sight of the country people, the Gentlemen went away. The Gentlemen said they intended to see the *Southland* party; depones that *Keriland* told him he was to joyn with the *Southland* party, and the deponer said he thought it not good, his Master said, the deponer might go where they went; that when they were at *Kilbryd*, it was told them that the Kings army was betwixt them and the *Southland* party, and there-upon the Gentlemen retired to the house of the mure.

*Sic subscribitur.*

JOHN STEWART.

*Robert Craig* in the *Parish of Beeth*, aged fourty Years or thereby, married, sworne, depones he was at *Chitterfleet*; depons he was the person that took the *Earle of Eglintons* servant, and that *John Stevenfone* was with him; that after the boy was taken, *Blackstouns* servant came and brought the boy and the deponer to the Gentlemen, that his Masters letters were broken open, and he kept prisoner; that the deponent went to *Langtoun* with the Gentlemen; That *Caldwell*, *Keriland*, *Blackstounne* and *Mr. Gabriell Maxwell* commanded the deponer to take the *Earle of Eglintouns* servant; depones he heard at *Knockmade*, that the Gentlemen were to joyn with the *Southland* party.

*Patrick Houstounne*, servant to the *Earle of Eglintounne*, aged twenty Years or thereby, not married, sworn, depones that he was taken

neer *Chisterfleet*, and his Letters broken open, that he saw *Caldwell*, *Blackstoun* and *Bedland*, that *Bedland* was *Melting leed*, that he got the letters broken open.

¶ *The assise*, be plurality of voices, elects *James Somerveil* of *Drum* in *Chancellor*.

*The assise*, all in one voice, by the mouth and judicious declaration of the said *James Somerveill Elder* of *Drum* their *Chancellor*, finds, the said *Collonel James Wallace*, *Joseph Lermont*, *Mr. James Smith* and *Mr. John Welch*, guilty, and culpable of treasonable crimes, contained in their dittays; Viz. The said *Collonel James Wallace* and *Joseph Lermont*, to have been in and had accessione to the late rebellione, and had charge and command in the rebellious army, and commanding in chief therein, and of being with the saids rebels at *Lanerck*, *Collintounne*, at the conflict at *Pentland* and other places in the rebellione. And the said *Mr. James Smith* and *Mr. John Welch* to be guilty of joyning with the said rebels, and going alongst and marching with their horse and armes from place to place, and being at *Lanerck*, *Collintounne* and *Pentland* with the rebels. And also the said *John Mc. Cleland* of *Barscobe* to be guilty, of the crime of rebellione, specified in his dittay, and having command in the rebels army, and going alongst with them in armes. And also they all in one voice, finds the said *Patrick Listoun Elder* and *William Listoun Younger* guilty of rebellione, and joyning with the rebels, and being in armes with them, and going alongst with them. And sicklyk the said assise, all in one voice, found the said *William Porterfield* of *Quarrelstone*, guilty, and culpable of the treasonable crimes specified in his dittay, in joyning and being in armes with *Caldwell* and others in the said rebellione, and meeting, conveening and keeping committes together to that effect, and of being present at the taking of *Patrick Houstonne* servitour to the *Earle of Eglintounne*, breaking open of his letters, and when he was kept prisoner, and marching and drawing up, and going alongst in armes with them, in order to their joyning with the rebellious party in the west, and of other circumstances specified in his endytment. In respect they found the samen sufficiently proven.

*Sic subscribitur.*

J<sup>A</sup>: SOMERVEILL.

The 15. of August.  
My



My Lord Justice Generall, my Lord Justice Clerke and their  
 affissars, by the mouth of *Henry Montieth Dempster of Court, Decernes*  
*and Adjudges* the said *James Wallace of Auchanes. Iohn Mc. Cle-*  
*land Tonger of Barscobe, Mr. Iohn Welsh, and Mr. James Smith, Mi-*  
*nisters, Patrick Lissoune Elder in Calder, William Lissoune his Sone and*  
*William Porterfield of Quarreltounne* to be execut to death, and *dema-*  
*ined as Traitors when they shall be apprehended, as such rymes and pla-*  
*ces, and in such maner as.* My Lord Justice Generall, Justice Clerke,  
 or Justice deputs shall appoint; As also *decerns and adjudges* the  
 fornamed persones, and ilk ane of them, of the treasonable crimes  
 about-written, to have *forfaulsed, amitted and tint*, all and sundry  
 their *Lands, tenements, annuallrents, offices, sakes, dignities,*  
*Steidings Roomes, possessiones, goods and giere whatsomever,*  
 pertaineing to them or either of them, to his Majesties use, which  
 was given for *doome.* Upon all and fundrie the premisses: *Sr. Iohn*  
*Nisbet of Dirletounne Knight*, his Majesties Advocate, asked and  
 tooke instruments.



Curia Justiciaria S. D. N. Regis,  
 tenta in prætorio Burgi de *Edenburgh*; decimo sexto  
 die mensis *Augusti*, 1667. Per nobilem & po-  
 tentem comitem *Ioannem comitem de Arhole*. Ju-  
 sticiarium Generalem dicti S. D. N. Regis;  
 & *Dominum Ioannem Home de Rentone*  
 militem Justitiariæ Clericum.

*Curia Legitime Affirmata.*

Assessors to the Justices.

*Alexander Earle of Linlithgow,*  
*William Earle of Drumfries.*

**M**Y Lord Advocate declares that he insists now against the per-  
 sons following. *Viz. William Mure of Caldwell, John Cald-*  
*well of Caldwell Younger, Robert Ker of Kerland Younger, Mr.*  
*John Cunninghame of Bedland, Alexander Poriesfield Brother to*  
*Quarrelltoun, . . . . Maxwell Younger of Mourrieff, Robert*  
*Mr. Cleland of Balmagiechane, Robert Cannon of Montdragate Youn-*  
*ger, Robert Chalmers Brother to Gathgirth, Mr. Gabriell Semple,*  
*Mr. John Guthry, Mr. Alexander Pedine, Mr. William Veatch,*  
*Mr. John Cruikshanks, Patrik Mc. Knight in Cumnock.* Endytet  
 and accused at the instance of my Lord Advocate, for the crymes con-  
 tained in their endytments. *Viz of treason* mentioned therein. The  
 Justices finds the dittay relevant, and ordains the samine to be put to  
 the knowledge of ane assise.

## A S S I S A .

<i>William Rig of Carberry,</i>	<i>Collonel James Hay,</i>
<i>Sr. Robert Dallzell,</i>	<i>Sr. John Falconner,</i>
<i>Walter Kennoway Secretary to the Generall,</i>	<i>James Lockhart of Clegborne,</i>
<i>John Rutheven tutor of Cardine,</i>	<i>James Hepburne of Barefoot,</i>
<i>William Melvill of Dysert,</i>	<i>James Weyms of Pitcanny,</i>

*George Elphinstone of Selmer,*  
*Major George Grant,*  
*James Johnston of Sheens,*  
*Sr. William Ballandine,*  
*James Somervell Elder of Drum.*

The assise sworn, no objection in the contrary.

*John Reid* in *Dandilly*, aged *thirty Years* or thereby, married, sworne, depones that *Maxwell of Murrieff*, *Balmagiechane*, *Montdrogate*, *Chalmers* Brother to *Gathgirth*, *Mr. Gabriell Semple*, *Mr. John Guthry*, *Mr. Alexander Pedin*, *Mr. William Veatch*, *Mr. John Cruikshanks* and *Patrick Mr. Knight* in *Cumnock*, were with the *Rebells* at *Mawchline* in armes with *swords* and *horse* and some of them had *Pistolls*, And that they were at *Peniland*, except *Pedin*. That the reasone of the deponer his knowledge is, that *Montdrogate* and *Mr. Alexander Pedine* took him prisoner, and carried him allongst to *Peniland*.

*Sic Subscribitur.*

JOHN REID.

*William Mure* tenent to *Sr. Thomas Wallace*, aged *thirty Years* or thereby, not married, sworne, depones that he saw the said *Maxwell of Murrieff*, and others, with the *Rebells* in armes, except *Mr. John Cruikshanks* and *Patrik Mc Knight* whom he did not see, bot heard they were there; That he saw them at *Bathgate*, *Lanerk* and *Collintounne*, bot he was not at *Peniland* and sua knowes nothing of that.

*Sic subscribitur.*

WILLIAM MURE.

*John Mirrie* in *Smithstoun*, aged *thirty Years* or thereby, married, sworne, depones that he saw the whole persons contained in *John*  
*Reids*

*Reids* deposition, with the *Rebells* in armes, saw them marching alongst with that army at severall places.

*Sic subscribitur.*

JOHN MIRRIE.

*Daniell Mitchell* in *Craigaddam*, *fourty Years* or thereby, sworn, depones that he saw *Murrieff*, *Montdrogat*, *Chalmers*, *Cruikshanks* and *Mc. Knight* with the *Rebells* at *Lanerke*, *Collingionne* and other places in armes, with swords, horse and pistolls, and saw them marching alongst toward *Pentland*.

*James Cochrane* in *Knokmade*, sworne, depones, adheres to his former depositione given yesterday, in omnibus, and declares expressly, that the *Laird of Caldwell*, *Goodman of Caldwell Younger*, the *Laird of Kerland Younger*, the *Laird of Bedland* and *Alexander Porterfield* Brother to *Quarrellione*, were at the meeting at *Chitterfleet*; and all alongst as is contained in the foresaid depositione.

*John Stevensone* in *Ramshead*, sworne, depones, adheres to his former depositione taken yesterday, and the whole persons above-written were all at *Chitterfleet*, and all alongst as is contained in his former depositione.

*John Wilson* in *Ramshead*, sworne, depones, adheres to his former depositione, and farder depones that the *Laird of Caldwell*, the *Goodman of Caldwell Younger*, the *Laird of Kerland*, and *Bedland*, were at *Chitterfleet*, and other places, bot as to *Alexander Porterfield*, depones he knew him not.

*John Anderson*. Sworne, depones, adheres to his former depositione, and farder depones, that the *Laird of Caldwell*, the *Goodman of Caldwell Younger*, *Kerland Younger*, *Bedland*, and *Alexander Porterfield* were at *Chitterfleet*, and all alongst with that party.

*John Caldwell*, sworn, depones, adheres to his former depositione, and farder depones that the *Laird of Caldwell*, the *Goodman of Caldwell Younger*, *Kerland* and *Bedland*, were at *Chitterfleet*, and other places, and that he heard, that *Alexander Porterfield* called be his name, and that he knew him to be so.

*William Caldwell* sworne, depones, adheres to his former depositione, and farder depones that the *Laird of Caldwell*, the *Goodman*  
of

of *Caldwell Younger*, *Kerland*, *Bedland* and *Alexander Porterfield*, were at *Chitterfleet* and other places ( contained in the saids depositione ) in armes.

*Robert Ker* in *Kerland* sworne, depones, adheres to his former depositione taken yesterday.

*John Stewart* sworne, depones, adheres to his former depositione, and farder declares that *the Laird of Caldwell*, *the Goodman of Caldwell Younger*, *Kerland Younger*, *Bedland* and *Alexander Porterfield* were at *Chitterfleet*, and other places ( mentioned in his depositione ) in armes, depones he heard them say they minded to goe to the *Southland* party.

*Robert Craig* sworn, depones, adheres to his former depositione and farder depones that he saw *the Laird of Caldwell*, *Kerland Younger*, at *Chitterfleet*, and other places; and the rest he knew them not bot heard they were there.

*Patrick Houstoun* sworne, depones, adheres to his former depositione in omnibus.

The Assise be plurality of votes elects *James Somervell Elder* of *Drum* in Chancellor.

The Assise all in one voice, finds the said *Maxwell* of *Mourieff*, *Robert Mc. Cleland* of *Ballmageichen*, *Robert Canon* of *Mondrogate Younger*, *Robert Chalmers* Brother to *Gathgirth*, *Mr. Gabriell Semple*, *Mr. John Guthry*, *Mr. Alexander Pedene*, *Mr. William Veatch*, *Mr. John Cruikshanks* and *Patrick Mc. Knight*, guilty and culpable of *treasonable crimes*, specified in their dittay; of being in, and upon the said *Rebellion*, and joyning with the said *Rebells*, and going alongst with them, and marching with them with their horse and armes, from place to place with the said *Rebells*; As also the said assise all unanimously in one vote, finds the said *William Mure* of *Caldwell*, *John Caldwell Younger*, *Robert Ker* of *Kerland*, *Mr. John Cuninghame* of *Bedland* and *Alexander Porterfield* Brother to the Laird of *Quarrelloun* guilty and culpable of *treasonable crimes* specified in their endytments, in joyning and being in armes together in the said *rebellion*, and meeting and keeping company together for that effect; and of being present at the taking of *Patrick Houstoun* servant to the *Earle of Eglintone*, breaking up of his letters, and when he was kept prisoner; in marching, drawing up and going alongst with armes in order, of joyn-  
ing.

ing together with the *rebellious* party in the west, and of other circumstances specified in their endytments.

In respect they find the famine sufficiently proven.

*Sic Subscribitur.*

J<sup>A</sup>: SOMERVILLE.

My Lord Justice Generall, Justice Clerk and their assessors therefore, by the mouth of *Henry Monteith Dempster of court*, decerns and adjudges the said *William Mure of Caldwell*, *John Caldwell of Caldwell Younger*, *Robert Ker of Kerland Younger*, *Mr. John Cunningham of Bedland*, *Alexander Porterfield Brother to the Laird of Quarrelltoun . . . Maxwell of Mourrieff*, *Robert Mc. Cleland of Balmagechane*, *Robert Cannon of Mondrogate*, *Robert Chalmers Brother to the Laird of Gathgirth*, *Mr. Gabriell Semple*, *Mr. John Guthrie*, *Mr. Alexander Pedin*, *Mr. William Veatch*, *Mr. John Cruikshanks* and *Patrik Mc. Knaight*, to be executed to death, and demeaned as traitours, when they shall be apprehended, at such tymes and places, and in such manner, as My Lord Justice Generall, Justice Clerck, or Justice deput shall appoint; and also decernes and Adjudges the forenamed persones, and ilke an, of them for the crimes abouewritten, to have forfeitied; amitted and rint, all and sundrie their lands, tenements, annuallrents, offices, titles, rackets, dignities, steedings, roomes, possessiones, goods and geare whatsomever, pertaining to them or either of them, to his Majesties use; which was pronounced for doom. Whereupon *Sr. John Nisbet of Dirletoun* knight, his Majesties Advocate, asked and tooke instruments.





*Follows, that forfaultur, of Mr. Gabriell Maxwell, now four Year after the former forfaulturs, (and being then probably procured) also upone the said account of the testimony at Pentland, wednesday November, 28. 1666.*

**Curia Justiciaria, S. D. N. Regis,**  
tenta in prætorio burgi de Edenbrugh, vigesimo secundo die mensis, Decembris 1671; Per Dominos, Jacobum Foules de Collintoune, Robertum Nairne de Strathurd, Joannem Lockhart de Castell Hill, Joannem Baird de Newbeith & Thomam Wallace de Craigy, commissarios Justiciaræ dictos S. D. N. Regis.

*Curia Legittime Affirmata.*

**T**He whilk day, anent our soveraigne Lords Criminall letters, raised at the instance of *Sr. John Nisbete of Dirltoun Knight, his Majesties Advocate*, for his highness interest, against *Mr. Gabriell Maxwell*, sometymes minister of *Dundonald*; That where be the common Law, and the Law of Nations, &c. (and so to deduce the forsaid indytment, against the other west country men, to the words: [they were vanquished, routed and destroyed] and then say.) Lykeas notwithstanding, of the Lawes, acts of Parliament and proclamatione foresaid, and that thereafter a proclamation was issued, upon the fourth day of *December*, whereby his Majestie with advyce of his privy Councell, did again inhibite and discharge, all his

good

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good subjects; That none of them should offer, or presume to *barbour, resect, supply, correspond with,* or *conceall* those persons therein mentioned, or any others who concurred or joyned, in the said late *rebellione*, or upon acompt thereof appeared in armes, in any parte of this Kingdome, but to pursue them, as the *worst of traitours*, and present such of them, as they have in their power, to the Lords of privy Councell, the Sheriff of the Shire, or the Magistrates of the next adjacent broughs royall; to be by them made forthcoming to the Law. Certifying all such, who should be found to faill in their duety therein, they should be esteemd and pursued, as favourers of the said *rebellione*, and as persons, accessory and guilty of the same. Nevertheless; the said persons above-compleaned upon, at least divers of them: *Viz.* The said *Mr. Gabriell Maxwell*, and divers of his associates, did not only faill in their duety, in ryseing and joyning with his Majesties Lievteneent Generall and Officers under him, for repressing and subducing; the saids *rebells*, bot *most perfidiously and treasonably*; did ryse, and joyne in armes, without his Majesties authoritie, and did to the outmost of their endeavours, advance, strenthen and promote, the said *rebellione*; And in order thereto, in the months of *August, September, October, November and December*, 1666. *Years* and severall dayes thereof, and in one or other of the saids months and dayes thereof, met and conveend, at the *Parkhead of Caldwell, Knockmade, Chitterfleet* and divers other places, within the westerne Shires, and Shiriffdomes of

And did conclude, and resolve to joyne, with the saids *Rebellious party*. And being armed, with Swords, Pistolls, and other weapons, they joyned themselves, in troops and companies, and did elect and choose, Captaines, Lievteneents and other Officers, and did accept of the saids charges, and employments, and accordingly did ryde, from place to place, and did write letters to friends and neighbours, to joyne with them, and did intercept letters, that thereby they might have notice, and intelligence where his Majesties forces and armies were, And of their forces motions, and designs, and to the same purpose, did goe and send out letters for intelligence, and committed divers other acts of hostility and treason, and in the months foresaid, as also after the defeat of the saids *rebellious party*, in the ensueing months between the said defeat, of the said *rebellious party*, and the date of the said proclamation.

clamation, and one or other of the saids moneths, and severall days thereof, the said *Mr. Gabriell Maxwell* and other persons foresaids, within the westerne Shires and Shirifdomes of, -

within their own bounds, and within their own tennents houses and other places, did *harbour, conceall, resett, supply, correspond* and *intercommune* with the persons foresaids: Contained in the said proclamacione; the *fourth* of *December, 1666. Years*; And others who concurred and joyned in the said *rebellione*, and who on that account appeared in armes. In doing; of ane or other of the said deeds, the saids *Mr. Gabriell Maxwell* and other persons foresaids, hes committed and incurred, the *crymes* and paine of *treasone*; And are guilty of being *actors, airte* and *pairt* thereof, which being found be ane assise, they ought to be punished, in their *persons* and *goods*, to the terror and example of others, to commit the lyk hereafter; as at length is contained, in the said indytment.

Compeired, *Sr. John Nisbete of Dirletoun Knight* his Majesties Advocate, as pursuer and produced, the said criminal letters, of *treasone* duely execute and indorfed; and the said *Mr. Gabriell Maxwell* being often tymes called, to have compeared and underlyen the Law, for the *reasonable crimes* specified in the foresaid lybell, and not compeirand his Majesties Advocate therefore desired, the Lords commissioners of justiciary, to proceed to a legall proces of forfaulture against the said *Mr. Gabriell*, conforme to the act of Parliament: and declared he insisted against him, for the *reasonable crimes*, specified in his dittay, and in speciall those of the Last part thereof, in ryseing and joyning, with *Caldwell* in armes and *rebellione*, in order to the joyning with the *rebells*, carying armes and other circumstances, specified in that parte of the indytment.

The Lords Commissioners of justiciary, findes the indytment relevant, and ordaines the samyne to pals, to the knowledge of ane assise.

## A S S I S A.

<i>Thomas Calderwood late baylie of Edinb:</i>	<i>Williame Hume Elder,</i>
<i>Walter Birne Merchand,</i>	<i>John Dumbare Glover,</i>
<i>James Stewarte Drogist,</i>	<i>Gideon Sharpe Stationer,</i>
<i>William Stewarte Drogist,</i>	<i>Alexander Red Goldsmith,</i>
<i>John Adame Merchand,</i>	<i>George Blaire Merchant,</i>
<i>James Glen Stationer,</i>	
<i>John Ruthersforde Vintner,</i>	
<i>Patrick Seell Vintner,</i>	
<i>George Red late Baylie.</i>	
<i>John Craige Wright.</i>	

The assise Lawfullie sworne no objectione in the contrary.

His Majesties Advocate, for probatione, adduces the witnesses under-written: *Viz. James Cochrane in Knockmade*, aged 35. Yeares or thereby, married, sworn, *depones*: he adheres to his former depositione, taken before the justices, upon the 15<sup>th</sup>. of *August* 1667. Yeares; which is ordained to be recorded here, whereof the tenor followes. That on the *Sunday* before the defeat of the rebels; *Bedland, Kerpsland, Mr. Gabriell Maxwell* and ane other minister, came to the deponers house about midnight, and stayed a long tyme. *Depones*, that immediatly there after he heard *Caldwell* give order to his tenants, to meet at *Chitterfleet* with their armes, and best horses; this was at the deponers house: and the same day in the morning, *depones*, that these persons, and besides them: *Quarrelltoun, Blackstounne* and *Quarrelltounes Brother*, the *Goodman of Caldwell Younger*, *Mr. John Carstairs* and others, did meet upon that *Sunday* at *Chitterfleet*: that the deponer being one of *Caldwells* tenants was there, *depones*, that whill they were at *Quarrelltounne*, he heard the *Earle of Eglington*s man was taken, and his letters taken from him; bot saw him not; *depones* that they did marche from *Chitterfleet* to *Langtounne* in the night, and from *Langtounne*, to *Kilbryde*; *Williame Porterfield* being on of them; That they were 39. horsemen in number, armed with swordes, and some of them had Pistolls; *depones* that they marched from *Kilbryde* to the house in the mure in a troope in order, *Caldwell* and *Mr. Gabriell Maxwell* on their heads, and *Blackstoun* in the rere, *depones* that he heard *Mr. Gabriell Maxwell* say to *Blackstounne* 'goe to your place in

the

the *rere* and *Blackstoun* did goe, *depones* that they seing some country people, imagined them to be the Generalls army, and that *Caldwell* and the other Gentlemen, did retire and put themselves in order: but it was found to be country people driving their horses; That after the Gentlemen first saw them, they imagined them to be the Generalls army, that they retired to a mols, *depones* he heard *Caldwell* and the party, speaking amongst themselves that they would goe to the *Southland* army: and that he heard *Caldwell* and *Mr. Gabriell Maxwell* say this; that if *Porterfield* of *Quarrellstoun* was with them, that they would keep a private Councell. *Depones* that the country people on munday at night fearing that they would joine with the rebels, desired to goe home, and that *Mr. Gabriell Maxwell* threatned them saying, if they would goe they might meet with a *maresnye*, and further being interrogate what he meant by the words in his former depositione, be the *Southland* army, *depones* it was the rebels; *depones* he heard *Mr. Gabriell Maxwell* and the rest say they would joine with the rebels: *depones*. That when he and the rest of the country people heard the said *Mr. Gabriell Maxwell*, and the rest, intend to joine, they left them.

*Sic subscribitur.*

J<sup>a</sup>: FOULES J. p. D.

*John Stevenson* in *Ramshead*, aged 54. Years or thereby, married, sworn, *depones* he adheres to his former depositione, taken before the justices at the tyme forsaide, which is ordained to be Recorded here, whereof the tenor followes: That *Caldwells* Officer warned him, and the rest of the tenents, to meet at *Chitterfleet*, and that *Caldwell* gave him ane sword; *depones* that he saw *William Porterfield* of *Quarrellstounne*, with the other Gentlemen at *Chitterfleet*; *depones* that the *Earle of Eglintounnes* man was taken; before he came, that he saw the foot man there, that he heard his letters were broken up, and that they kepted him till night prisoner. *Depones* as to the number and names of the persons, to their journey, and travelling, *conformis precedentis*; and that *Blackstounne* was with them *depones*, they formed themselves in a troop, that *Mr. Gabriell Maxwell* desired them to ryd in order, and that the deponer heard *Mr. Gabriell* desire *Blackstounne* to goe to his place in the *rere*, and accordingly he did goe: That the Gentlemen seing the country people imagineing them to be the Gene-

falls army, feared and retired out of the way. *Depones* that the Gentlemen told that they were to goe to *Douglafs*, and that way, and that the deponer and the rest hearing that, suspected and would not goe with them; That *Mr. Gabriell* threatned them and said they might meet with a *Misefnype*; gif they would goe away, That *William Porterfield* of *Quarrelltounne* was allongst with them, and farder addes, that he did see *Mr. Gabriell* with them, and that the deponer, and the rest of the Country people Suspected, that they intended to joyne with the *rebells*, and thereupon left them: and that the rest was feared, when they saw the Country people, Fearing it was the Generalls forces.

*Sic Subscribitur.*

JA: FOULIS J. p. D.

*John Wilsone* in *Ramshead*, aged 40. *Years* or thereby, married, sworne, *depones* he adheres to his former depositione, taken before the Justices at the tyme foresaid, and which is ordained to be recorded here; whereof the *tenor* followes. That he knowes nothing of their ryding in order, nor *Blackstones* ryding in the *rere*, that he saw non of the country people, That *Caldwell* and the rest of the Gentlemen never told them where they were to goe, whether to the *Southland* party or not: As to the being at *Chitterfleet*, and the rest of their journey, and number, *depones*, *conformis precedenti*: And to the threatning of *Mr. Gabriell Maxwell*, and *depones* that *Quarrelltounne* went all allongst with them; and further adds that *Mr. Gabriell Maxwell* threatned him and the rest of the country people in case they should goe away.

*Sic Subscribitur.*

JA: FOULIS J. p. D.

*John Anderfone* in *Grie*, formerly in *Caldwell*, aged 30. *Years* or thereby, married, sworn, *depones* he adheres to his former depositione, which was taken by the Justices at the tyme foresaid, and now ordained to be Recorded, whereof the *tenor* followes. That the Laids Officer warned them to goe allongst with him, And that he did goe, Knowes nothing of the *Earle of Eglintouns* servante, As to the journey, number, marching, *depones conformis*  
prace-



*præcedenti*: Depones that once they were in order of a troop, that Mr. Gabriell Maxwell rode on the head, and Blackstone in the reere, that he saw William Porterfield of Quarrellstone goe alongst; depones as to the Country people conforme to James Colbraxe. Depones that on the *munday*, the deponer suspected they were to goe to the *Southland army*, that he heard some surmyle of that kynd, depones that he heard, that *Eglintounes* man was taken, and his letters broken up, that how soon the deponer heard they were to goe to that *Southland party*, he thought he was a wrong way, and would not goe with them, That *Caldwell* his Master desired him to stay, and farder addes, that by the word [*Southland army*] specified in the foresaid depositione, he means the rebels.

*Sic subscribitur.*

JA: FOULIS J. p. D.

*John Caldwell* in *Chitterfleet*, aged 30. Years or thereby, married, sworne, depones he adheres to his former depositione, taken before the justices, the tyme foresaid, and now ordained to be recorded, whereof the tenor followes. That the Lairds Officer warned him, to meet him at *Chitterfleet*, depones that *Bedland*, the Goodman of *Caldwell*, Mr. Gabriell Maxwell, Mr. *John Carsfaires*, was there, and divers others; that they were betwixt 30. and 40. in number, knowes nothing of the Earle of *Eglintounes* servant bot heard of it; As to the marcheing, depones *conformis præcedenti*, and that sometymes, *Caldwell*, and Mr. Gabriell Maxwell, put them in order, that he saw *Blackstone* goe to the reere and ryde, that he saw the Country people and the Gentlemen were feared, conforme to the foresaid depositione. Depones he heard amongst the Gentlemen, that they were to goe to the *Southland party*, whereof he and the rest of the commons hearing, they would not goe further. That *Caldwell* commanded his tenents to stay, bot they would not, That Mr. Gabriell Maxwell threatned them in maner foresaid, and addes, that he means [by the *Southland army*] the rebels.

*Sic subscribitur.*

JA: FOULIS J. p. D.

*William Caldwell* in *Whitehouse*, aged 23. Years or thereby, not married,

married, sworne, *depones* he adheres to his former depositione, taken by the justices at the tyme foresaid, and now ordained to be recorded, whereof the *tenor* followes. He saw at *Chitterfleet*, the Laird of *Caldwell*, and was warned by his Officer there; That he saw the *Goodman of Caldwell*, *Kersland*, *Blackstone*, *Quarelltounne*, and severall others; *depones* he saw the *Earle of Eglintounnes* servant there, and heard his letters were broken up, and he kept prisoner; As to the marcheing, *depones conformis precedenti*; That once they were ranked in a troop, and that *Blackstone* rode in the rear, That he did hear the Gentlemen speaking about their going to the *Southland army*, That the Kings Lifeguard was between the Gentlemen and them, and addes, that he did see *Mr. Gabriell Maxwell* there.

*Sic subscribitur.*

JA: FOULIS J. p. D.

*John Stewarte* in *Swinridgmore*, aged 40. Years or thereby, married, sworn, *depones* and adheres to his former depositione, taken by the justices in maner foresaid, and now ordained to be recorded, whereof the *tenor* followes. He was at *Chitterfleet*, That *Caldwell*, the *Goodman of Caldwell* Younger, *Blackstounne*, *Quarelltounne* and his Brother, *Kersland*, *Bedland Cuninghame*, *Mr. Gabriell Maxwell*, *Mr. John Carstairs* and others, were there; That he was there, when the *Earle of Eglintounnes* servant was taken, saw him brought in, and the letters broken up, and that he was kept till night as a prisoner, as to the marcheing, number, and rydeing, is *conformis*. That *Mr. Gabriell Maxwell* said to *Blackstounne* goe to the *rere*, and he went; That at the sight of the Country people, the Gentlemen went away, the Gentlemen said they minded to see the *Southland party*, and the deponer answered, he thought it not good, his Master said, the deponer might goe where he went, and when they were at *Kilbryde*, it was told them that the Kings army was between them, and the *Southland party*, and thereupon the Gentlemen retired to the house in the moore.

*Sic subscribitur.*

JOHN STEWART.

The assise, be plurality of voyces, elects *George Red* late *Baylie of Edinburgh* in Chancellor.

The

The assise, all in one voyce, be the mouth of the said *George Reid their Chancellor*, findes the said *Mr. Gabriell Maxwell*, som-  
tymes minister at *dandonald*, guilty, and culpable of treasons, as  
being in armes with *Caldwell* and the other persons who were in  
armes in the west, the tyme of the rebellion, being verified and  
proven, in presence of the above-named persons.

*Sic subscribitur.*

GEO. REID CHANCELL:

The Lords Commissioners of justiciary, be the mouth of *Alex-  
ander Mc. Adame Dempster* of court, decernes and adjudges, the  
said *Mr. Gabriell Maxwell* to be execute to the death, and detained  
as a traitor, when he shall be apprehended, at such tyme and  
place, and in such manner, as the said commissioners of justiciary  
shall appoint; as also decernes the said *Mr. Gabriell Maxwell*, for  
the treasonable crimes above-written, to have forfeited, amitted,  
and sine all and sundry his lands, heretages, tenements, annualrents,  
offices, tacks, standings, dignities, roomes, possessions, goods and  
geir whatsoever, pertaining to him, to his Majesties use;  
which was pronounced for doome. Upon all and sundry the premises,  
the said *Sr. John Nisbet* his Majesties Advocate, asked and took  
instruments.

*The*

The exact double of the Gift, and disposition of the whole estate heretofore, with the effects of moveables, which most justly appertained to the now glorified, and worthily memorable Laird of Caldwell, and now to his heirs, and successors of himself, that the King be his pretended right unto, through that most unjust and illegal forfettur foresaid, hes taken, and disposed upone, to Thomas Dalzell pretended proprietor of Binnes.

Ones also Lord Considering, the good and faithfull service done to his Majestie, and his Majesties most royal father of ever blessed memorie, be this Majesties right trustie and well beloved General Thomas Dalzell of Binnes, Esquire, General of his Majesties late forces, within his Majesties ancient Kingdome of Scotland, at severall occasions, for christie in the moneth of January last past, by suppressing the battell of a considerable number of his Majesties unwelcome subjects, of the foresaid Kingdome, who with their associates, most unchristianly rose in armes, against his Majesties authoritie and lawes, intending to have overturned the samen, and wronged his Majesties good and loyall subjects; Besydes divers others good services done to his Majestie, be the said General Thomas Dalzell, by his skillfull conduct of the foresaid forces, to the terror of the native traitours, and of his Majesties foraigne enemies, who endeavoured to have disturbed, and invaded the foresaid Kingdome of Scotland; As also his Majestie being sensible of the good service lykwayes done to his Majesty, in his Kingdome of Scotland be the said General Thomas Dalzell, And also understanding that the said General Thomas Dalzell hes sustained great losses, and undergone verie much hardship and sufferings, by long imprisonment, banishment and otherwayes, for his constant loyaltie to his Majestie; And his Majestie being most willing for his further encouragement, to persist in his Loyall actings, to confer some signall favours upon him: Therefore his Majestie, for himself, and as Prince and Stewart of Scotland, with advice and consent of his

his Majesties right trustie counsellers and Counsellors, &c. *John Earle of Rothes, &c. high Chancellor of the said Kingdome of Scotland, John Earle of Lauderdale joint Secretaire of State of the samen Kingdome, John Earle of Tveddale, William Lord Bellenden, his Majesties Treasurer, depuie, William Earle of Dunnoald and his Majesties archbishop Counsellor, Sir Robert Murray late Justice Clerk his Majesties commissioner, for the Treasurie, compitroller and the sawrie of his Majesties new augmentations, and also with advice and consent of the remnant Lords and other commissioners of exchequer. Ordained and thairto to be past under his Majesties great seall of the foresaid Kingdome of Scotland, in dew forme, Giving, granting and disposing, to the said General Thomas Dalzell his heires and assignayes whatsomever, heretable, and irrevocable, all and sundrie, the lands and others under-written, to wit, All and hail the fyve Pound land of Knockward and the fyve Merkland of Daunsflat, with the towers, fortalices, manor places, houses, biggings, yeards, orchards, tofts, crofts, mylnes, woodes, fishings, commonries, pasturages, coales, coalheughes, moyses, moores, meadowes, tennents, tennandries, service of fre tennents, annexes, connexes, dependencies, parts, pendicles and pertinents thereof whatsomever, lying within the bailiarie of Cunningham, and the sheriffdome of Ayr; all and sundrie the tiend sheaves, or personage reynd, of the samen lands of Knockward, with the pertinents; All and hail the fyve Pound land of Knockmade, and fyve Merkland of Easter Caldwell, with the towers, fortalices, manor places, houses, biggings, yeards, orchardes, tofts, crofts, mylnes, woodes, fishings, moyses, moores, meadowes, commonries, pasturages, coales, coalheughes, tennants, tennandries, service of fre tennents, annexes, connexes, dependences, parts, pendicles, and pertinents thereof whatsomever, lyand within the sheriffdome of Renfrew; All and hail the ten Merkland of Kircrock, with the tower, fortalice, manor place, houses, biggings, yeards, orchardes, tofts, crofts, mylnes, woodes, fishings, moyses, moores, meadowes, commonries, pasturages, coales, coalheughes, tennants, tennandries, service of fre tennents, annexes, connexes, dependences, parts, pendicles, and pertinents of the samen whatsomever, lying within the sheriffdome of Lanark; And also all and sundrie, the reynd Sheaves, or personage reynd of the*

famen lands of *Kintochfyde*, and *five Merkland of Easter Caldwell*,  
 aboue-rehearsed, with the pertinents; All and hail the lands of  
*Kippallrig*, called of old ane *Temple land*, with the priuiledge of  
 the common moore of *Renfrew*, for pastorage thereof, with houses,  
 biggings, yeardes, tofts, crofts, parts, pendicles, and per-  
 tinents thereof whatsomever, lyand within the parochin of *Mear-  
 nes*, and theriffdome of *Renfrew*; All and hail the tiend Sheaves,  
 or personage tiends of the foresaid lands, of *Kippallrig*, with the  
 pertinents. Which lands, tiends and others aboue-written, per-  
 tained heretablie of before, to *William Mure* late of *Caldwell*, at  
 lest to some of his predecessores, to whom he is appearand heire,  
 of the famen lands, and others aboue rehearsed, holden be him  
 or them, or some ane or mae of them, immediatlie of his Maje-  
 stie, for himself, and as Prince and Stewart of *Scotland*; and are  
 now fallen and become in his Majesties hands, and at his Majesties  
 gift and dispositione; for himself, and as Prince and Stewart of  
*Scotland*, be reasone of *forfaultere*, by the priuiledge of his Maje-  
 jesties Croune, Lawes, and practique of the foresaid Kingdome of  
*Scotland*: Through the said *William Mure*, his joyning in armes,  
 with the dissloyall and seditious persones in the west, who of late  
 appeared in armes, in a *desperat* and *arroued Rebellion*, against his  
 Majestie, his Government and Lawes, of intention to have overturn-  
 ned the famen, if they had not been defeat in battell, as said is.  
*And though all clemencie was offeted, to the said William Mure*; Yet  
 he hes refused the famen; for which wyld act, aboue-rehearsed, of  
 ryling in armes as said is, he is declared traitor to his Majestie, and  
 all his lands, goods, and gior *forfaultere*, as in the sentence and doom  
 of *forfaultere*, given and pronounced against him, by his Majesties  
 Justice Generall of the said Kingdome of *Scotland*, his Majesties  
 Justice Clerk thereof, and the assessors appoynted to them, be his  
 Majestie privie Councill of the famen Kingdome, upon the . . . day of  
*August* *Ja: vi: sextie seven years* by past, at more len this is contained.  
 And farder, to the effect, the foresaid donator and grant, may be the  
 more valide and effectuell; his Majestie, for himself, and as Prince  
 and Stewart of *Scotland*, with advice and consent aboue specified,  
 hes dissolved, and be the tenor of the said chartour, for his Ma-  
 jestie, and his successores, Kings, Princes, and Stewarts of *Scot-  
 land*, dissolves the whole lands, tiends and others aboue-written,



from his Majesties Crowne, and patrimonie thereof, and of his successors, Princes, and Stewarts of Scotland; to be peaceable bruikied, joyled, sett, used and disposed upon, be the said *General Thomas Dalsell*, and his above specified, *heritable and inreversible* in all tyme coming. And in testimonie thereof, his Majestie for himself, and as Prince and Stewart of Scotland, with advice and consent foresaid, of his Majesties certaine knowledge, proper motive, authoritie royall, and kingly power, hes made, erected, created, united, annexed and incorporat, and be the tenor of the foresaid chartor for his Majestie, and his successors, Kings, Princes, and Stewarts of Scotland, makes, breeds, creates, unites, annexes and incorporates, the wholl lands, tiends, and others respective above mentioned, in ane hail and frie Baronie, to be called now, and in all time coming, the Baronie of ordaineing, the foresaid tower, fortalice, and manor place of . . . . . to be the principall mekwage of the samen Baronie; And wills, and grants, and for his Majestie and his successors, Kings, Princes, and Stewarts of Scotland, *decernes and ordaines*, that an saisine, now to be taken, be the said *General Thomas Dalsell*, and be his heirs and assignayes, above rehearsed, in all tyme coming, as the foresaid tower, fortalice and manor place of . . . . . or at any other part or place, of any of the lands above mentioned, shall stand and be ane sufficient saisine for the samen hail lands, tiends and others above rehearsed, now unite in the foresaid Baronie as said is; But any other speciall or particular saisine, to be taken be him or them at any other part or place thereof, notwithstanding the samen lye not contiguous and together, bot in divers jurisdictions; Anent the which saisines, and all that shall follow thereupon; His Majestie for himself, and as Prince and Stewart of Scotland, with consene above rehearsed; hes dispensed and be the tenor of the said chartor, for his Majestie and his successors, Kings, Princes, and Stewarts of Scotland, dispenses for ever. *To be holden*, and to be hold all and sundrie, the lands, tiends and others respective above mentioned, all erected in the foresaid Baronie, and lying as said is, to the said *General Thomas Dalsell*, and his above-written, of his Majestie and his successors, Princes, and Stewarts of Scotland, immediat Lawfull superiours thereof for the tyme, in sic heretage and frie Baronie for ever. Beall the rights, miethes, and marches thereof, old and devyded. As the samen lyes in Length and breadth, in houles, biggings &c.

milnes, maulures &c. hauking, hunting, fishing, &c. with court  
 plainte heretofore, &c. And with fure, fok, lock, lack, thiple,  
 thame, vert, waik, waith, wair, vendone, ourfang, thies, in-  
 tigh, thier, pit and gallows, &c. And all and sundrie other com-  
 munitie &c. triellie and quyerlie, but any revocacione, &c. Gi-  
 ving yearly, the said General *Thomas Dalzell* and his above-  
 written, to his Majestie and his successors, Princes, and Stewarts  
 of *Scotland*, for the hail lands, and others above-rehearsed, except  
 the tiends, rights, services, and dewties of the samen lands, and  
 others above-mentioned, erected in the foresaid Baronie, as said is,  
 aught and wout therefore, before the forfeiture above-specified  
 allennarlie; And for the tiends above-specified, the blensh dewties,  
 or other dewties adebt for the samen, be the said *William Murray*,  
 before his foresaid forfeiture allennarlie. Lykas his Majestie, with  
 advice and consent foresaid, faithfullie promits, in *verbo principis*,  
 to cause Ratifie and approve, the foresaid chartor, with the precept  
 and instrument of saisine, to follow thereupon, and dissolutione above-  
 expressed, in his Majesties next Parliament, to be holden within the  
 said Kingdome of *Scotland*, and that with consent of the estates there-  
 of, And that the foresaid chartor, shall be ane sufficient warrand,  
 for that effect: As also his Majestie with advice and consent foresaid,  
 or laies that precepts be directed orderly hierupon in forme as efflers.  
 Given at the court at *Westhall* the Elaventh day of *July* 1670. And  
 of his Majesties Reigne the 22th. Yeare. wt *supra* scribitur CHARLES  
 REX. Sic subscribitur ROTHES chancellor, TUEEDDALE,  
 KINCARDINE, DUNDONALD, BELLEN-  
 DEN, MARSHAL, HALGARTOUNE, JO-  
 NTSBET, JO: HOME, CH: MAITLAND.

Compositio vj. lib. xij. iij.

Regrat 26th. September 1670.

*May it pleas your Majestie.*

These contains, your Majesties warrand, for ane chartor to be past,  
 under your great seall of *Scotland*, to General *Thomas Dalzell*,  
 of the fyve Poundland of *Knockward* and tiende thereof. And fyve  
*Markland* of *Dunfreet*, with their pertinents above-mentioned, lye  
 and within the Bailiary of *Cunninghame*, and the shiffdom of *Gray*.

And

And the five Poundland of *Knoxmade*, and five Merkland of *Easter Callawells*, and tields thereof, with their pertinents, lyand within the sheriſdom of *Renſſew*; With the ten Merkland of *Killochſide*, and tields thereof, with the lands of *Kyphillie*, and tields thereof, with the privilege of the commons of *Renſſew*; lyand within the ſheriſdom of *Renſſew*. All which pertained beſore, to *William Mure Earle of Caldwell*, at leſt to ſome of his predeceſſors to whom he is appearand heire; Holden of your Maſtie, for your ſelf, and as Prince and Stewart of *Scotland*; And now fallen in your Maſties hands; and your Maſties gift by ſortauture of the ſaid *William Mure*, for his joyning in armes, with diſloyall and ſeditious perſones in the weſt, who appeared in armes, in a *deſperate Rebellion* againſt your Maſties Government and Lawes; And your Maſtie diſſolves the ſame from your Maſties Croune, and Patrimoine thereof; And unites and erects the ſamen, in aie frie Baronie to be called the Baronie of diſpenſing with the takinge of ſailin, at the manor place thereof, to ſerve for the whole; And to be holden of your Maſtie, In fee and frie Baronie, for ever: Giving to your Maſtie, the rights, ſer-vices and dewties, of the ſamen uſed and wont; And for the ſamen the ſame dewties, adedebt for the ſamen, beſore the ſortauture. All which, your Maſtie has promiſed, to ratifie in the next inſueing ſeſſion of Parliament.

*Sic ſubſcribitur.*

**LAUD BONA**

### *The lands holden of his mediate ſuperiors*

**O**ur Sovereign Lord, underſtanding, that the lands, and others aforementioned, To wit, the five Poundland of *Bush*, comprehend- ing the two *Ramheads*, the two *Biggies*, and the tield and milke bylgates, with the mylne, mylne lands, millers and ſequells thereof; tower, ſortallice and manor place, houſes, biggings, yeards, orchards, tofts, crofts, woods, fiſhing, moſs, moores, meadows, com- mons, paſtorages, tennants, tennants ſervice and the red- duntly annexes, connexes, dependences, parts, pendicles, and

part

pertinents thereof whatſomever, Lying within the parochine of *Beerb*, *Bailiarie* of *Kyllstewart*, and *Sheriffdome* of *Aire*; All and haill, the ten *Merkland* of *Cowdram*, with the touer, fortalice, manor place, houſes, biggings, yeards, orchards, tofts, crofts, mylnes, woodes, fiſhings, moſs, moores, meadowes, comonties, paſtorages, tennants, tennandries, ſervice, of frie tennants, annexes, connexes, dependences, parts, pendicles, and pertinents of the ſamen, whatſomever, Lying within the parochine of *Symington*, *Bailiarie* of *Kyle*, and *Sheriffdome* foreſaid of *Aire*; All and haill, the ten *Merkland* of *Thorntoun*, with the touer, fortalice, manor place, houſes, biggings, yeards, orchards, tofts, crofts, mylnes, woodes, fiſhings, moſs, moores, meadowes, comonties, paſtorages, tennants, tennandries, ſervice of frie tennants, annexes, connexes, dependences, parts, pendicles, and pertinents thereof whatſomever, Lying in the parochine of *Killmarray*, *Baronie* of *Robertoun*, and *Sheriffdome* of *Aire*; All and haill, the four *Merkland* of *Newlands*, with the touer, fortalice, manor place, houſes, biggings, yeards, orchards, tofts, crofts, mylnes, woodes, fiſhings, moſſes, moores, meadowes, comonties, paſtorages, tennants, tennandries, ſervice of frie tennants, annexes, connexes, dependences, parts, pendicles and pertinents of the ſamen whatſomever, Lying in the parochine of *Eastwood*, and *Sheriffdome* of *Renfrew*; All and haill, the five *Merkland* of *Glauderſtoun*, with the touer, fortalice, manor place, houſes, biggings, yeards, orchards, tofts, crofts, mylnes, woodes, fiſhings, moſſes, moores, meadowes, comonties, paſtorages, tennants, tennandries, ſervice of frie tennants, annexes, connexes, dependences, parts, pendicles and pertinents thereof whatſomever, Lying within the parochine of *Nailſhoun*, and the foreſaid *Sheriffdome* of *Renfrew*. Which pertained of before, to *William Mure* Late of *Caldwell*, at the laſt ~~in~~ ſons of his predeceſſors, to whom he is appearand heire, Holden be him or them, or ſome on or moe of them, immediatlie of the perſones reſpective aftermentioned, immediat Lawfull ſuperiors thereof; Are now fallen, and become in his Maſteſties hands, and at his Maſteſties gift and preſentatione, be reaſon of *forſaulture*, be the privilege of his Maſteſties Croune, Lawes, and praſtique of this Kingdome of *Scotland*; Throw the ſaid *William Mure*, his joyning in times, with the diſloyall and ſeditious perſones in the waſt, who of

late appeared in armes, in ane *desperat* and *avowed Rebellion*, against his Majestie, his Government and Lawes, of intention, to have overturned the samen, if they had not been defeat in the Battell, be *Generall Thomas Dalzell*, of *Binnes*, Lievetenant Generall of his Majesties late forces, within the Kingdome of *Scotland*. And tho all *Clemencie* was offered, to the said *William Mure*, yet he hes *refused* the samen; for which wyld act, above-rehearsed, of rysing in armes as said is, he is declared *traitor* to his Majestie, and all his *lands, goods and geir, forfaitured*, as in the sentence and doom of *forfaiture*; pronounced against him, by his Majesties Justice Generall, of the said Kingdome of *Scotland*; his Majesties Justice Clerk thereof, and the assessors appointed to them, be his Majesties Privy Councill of the samen Kingdome, in an criminall court holden by them, in their ordinarie place of sitting within the burgh of *Edenburgh*, upon the . . . day of *August* *1643*; *sixtie seven* years, by past, at more lenth is contained. And his Majestie, not being willing, that his Majesties right trustie cufigne, *Alexander Earle of Eglintounne*, superior of the foresaid *ten Pound-land* of *Beath*, comprehending as said is, with the tower, fortalice, and pertinents, and lik wayes with the said *ten Merk-land* of *Tborntoun*, with the tower, fortalice, and pertinents; his Majesties right trustie cufigne, *William Earle of Dundonald*, superior of the foresaid *ten Merk-land* of *Cudam*, with the tower, fortalice, and pertinents; his Majesties right trustie cufigne, *Charles Duke of Lennox*, superior of the foresaid fyve *Merk-land* of *Glanderstoun*, with the tower, fortalice, and pertinents; and *Sr. Archbald Stewart*, of *Blackball*, superior of the foresaid *four Merk-land* of *Newlands*, with the tower, fortalice, and pertinents; should be frustrat and want ane tennent to them, of the lands and others respectiye above specified: bot rather willing to provyd ane immediat tennent and vassell to them, their heirs and assignayes of the samen. Therefore, his Majestie, with advice and consent, of his highnes right trustie cufignes and counsellors, *John Earle of Rothes*, high *Chanceler* of the said Kingdome of *Scotland*, *John Earle of Lauderdale* sole *Secretarie* of State of the samen Kingdome, *John Earle of Tweeddale*, *Alexander Earle of Kincardine*, *William Earle of Dundonald*, *William Lord Bellendin* his Majesties thesawwrer depute, and *Sr. Robert Murray* late Justice Clerk, his Majesties Commissioner for his Majesties thesawrary, Comptrollarie and the awrarie of new augmentationes, and also with advice and consent, of the remnant Lords, and others



commissioners of his Majesties *Exchequer*, Ordaines ane *letter of presentation*, to be past under the testimoniall, of his Majesties great seall, of the foresaid Kingdome of *Scotland*, in dew forme, nominating, and presenting his Majesties trustie and wellbeloved, the said *Generall Thomas Dalzell* of *Bimmes*, his heires and assignayes, in *Immediat Vassall* and tenent, to the said *Earle of Eglintoun*, and the remnant persones above-mentioned; and requyring them, there heires, and assignayes, to enter and receive, the said *Generall Thomas Dalzell*, his heires and assignayes, and others his above-specified, in *Immediat heretable tennent* and *Vassall* to them, of the Lands, and others respective above-mentioned, and to invest and seise him, and his above-written therein, be *chartour* and *seisins*, as use is in the lyke; To be holden of them, their heires and successors, ilk one of them, for their owne part, as is above devyded, sicklyk, and als frie in all respects, as the said *William Mure*, his predecessors or authors held the samen, of the fore-named superiors, their predecessors or authors, at any tyme before the said *Rebellione*. As also, his Majestie faithfullie promits, *in verbo principis*; to raise the *chartour* and other rights, to be made to the said *Generall Thomas Dalzell*, his heires and assignayes, of the Lands and others above-rehearsed, in his Majesties next Parliament to be holden within his Majesties said Kingdome of *Scotland*, with consent of the estats thereof, and that the foresaid letter shall be ane sufficient warrand for that effect; and ordaines that the foresaid letter be farther extended, with all clauses needfull. Given at the *Court* at *Whithall*, the *Eleventh day* of *July* 1670. and of his Majesties *Reigne* the 22. *Yeares*. *Wt supra scribitur* CHARLES REX. Et sic subscribitur ROTHES CHANCELL. TWEEDDALE. KINCARDINE. HALLCARTOUNE, JO: NISBET. CH: MAITLAND.

Compositio vj. lb. xij. iij.

Registrat September 26. 1670.

*May it pleas your Majestie.*

These contains your Majesties warrand, for a *letter of presentation*, to be past under your Majesties great seall of *Scotland*; by which your Majestie presents, *Generall Thomas Dalzell*, *immediat heretable vassall* and *tennent* to the *Earle of Eglintoun*, and remnant persones



sons above-named, superiors of the Lands and others above-mentioned: Which pertained of before, to *William Mure Late of Caldwell*, or to some of his predecessors, holden be him or them immediatlie, of the above-named immediat superiors thereof; and now become at your Majesties Gift and presentation, by his *forfeiture*, in joyn- ing in armes, with *disloyall and seditious* persones in the west, who appeared in armes, in a *desperat Rebellion*, against your Majestie; and your Majestie requiring, the superiors above-mentioned, to enter the said *Generall Thomas Dalzell*, and to *infect* him in the Lands and others above-written, to be holden of them, *als frilie* in all respects, as the said *William Mure* or his *anitors* held the samen, all which your Majestie is pleased to promise to *raise*, in the next ensuing session of Parliament.

*Sic subscribitur.*

LAUDERDALE.

*That gift of the Laird of Kerlands estate,  
to William Drummond pretended proprietor of  
Cromlicks.*

OUR SO: Lord understanding, that the Lands and others aftermentioned; To wit, all and haill the *twentie Merk-land* of *Kerland*, comprehending the *maines* of *Kerland*, extending to ane *three Merk half Merk-land*, the *Merk land* of *Todholles*, the *towne* of *Dauids-Hill*, extending to ane *three Merk half Merk-land*, the *three Merk half Merk-land* of *Miekill* and *little Auchingries*, the *two Merk-land* of *Manldshead*, the *half Merk-land* of *Collburne*, and *Mylnelands* of *Kerland*, the *ten Shilling-Land* of *Barcoysb*, the *ten Shilling-Land* of *Barkippe*, the *twentie Shilling-Land* of *Suinrymure* and *Murbousses*, the *Merk land* of *highfield*, the *half Merk-land* of *Coal-boughglen*, and the *twentie Shilling Land* of *Kershead*, with the *towers*, *fortalices*, *manor places*, *houses*, *biggings*, *yards*, *orchards*, *tofts*, *crofts*, *mylnes*, *woods*, *fishings*, *mosses*, *moores*, *meadows*, *commonities*, *pastorages*, *coales*, *coalheughes*, *tennants*, *tennandries*, *service* of *frie tennants*, *annexes*, *connexes*, *dependances*, *parts*, *pendicles*, and *pertinents*, of the samen what somever, *Alllyand*

within the parochine of *Dalry*, Bailliarie of *Cunninghame*, and the sheriffdome of *Aire*; All and hail the *four Pound land* of *fulwoodhead*, comprehending the Lands of *hoods yard*, *Bongfyde*, *Beaths-hill* and *fullwoodhead*, with the tower, fortalice, manor places, houses, biggings, yards, orchards, tofts, crofts, mylnes, woods, fishings, moles, moores, meadours, commonities, pasturages, coals, coal-heughes, tennents, tennendries, service of fric tennents, sonexes, connexes, dependences, parts, pendicles, and pertinents thereof, whatsomever; All lying within the parochine of *Beath*; *Regalia* of *Killwinning*, and sherieffdome of *Aire* above-specified; All and hail the Lands of *Haurat*, *Campolls*, *Langdyke*, and *Littel broadlie*, being ane *six Pound-land*, whereof the foresaid Lands of *Campolls* and *Langdyk* are ane *four-pound half Merk-land*, the foresaid Lands of *hourat* ane *tuentie Shilling-land*, and the foresaid Lands of *Littel broadlie* ane *Merk-land*, all lying within the foresaid parochine of *Dalry*, Bailliarie of *Cunninghame*, and the sheriffdome of *Aire*. Which pertained of before, to *Robert Ker* late of *Kersland*, at the least to some of his predecessores, to whom he is appearand heir, holden be him or them, of the persones respective after-mentioned, immediat Lawfull superiors thereof; Are fallen and become in his Majesties hands, and at his Majesties gift and dispensation, be reason of *forfaulture*, be the priviledge of his Majesties Croune, Lawes, and practique of the said Kingdome of *Scotland*: Throw the said *Roberts Ker*, his rysing in armes, with these dissolayall and seditious persones in the westerne counties, who of late appeared in armes, in a *desperat* and *avowed Rebellion*, against his Majestie, his Governement and Lawes, presuming to act contrarie to, and overturne the samen, if they had not been defeat in Battell, by his forces then in armes, whereof his Majesties right trustie and well beloved Counsellor *Lieutenant Generall William Drummond* was Major Generall. And tho all *Clemencie* was offered to the said *Robert Ker*, yet he refused the samen; For which wyld treasons above-rehearsed, he is declared traitor to his Majestie, and all his Lands, goods and gier, *forfaulted*, are ordained to belong to his Majestie, as in the sentence and doom of *forfaulture*, given and pronounced against him, be his Majesties Justice Generall of the foresaid Kingdome of *Scotland*, his Majesties Justice Clerk thereof, and the assessors appointed to them, be his Majesties privie Councell of the samen Kingdome, in ane criminal

shall court holden be them, in their ordinarie place of sitting, with in the Brugh of *Edenburgh*, upon the *sixteen* day of *August* *Ja: vj. Threescore seven Years.* And ratification and approbation thereof, exprest in the *Eleventh* act of the first session of his Majesties second Parliament, dated the *fifteen* day of *December* *Ja: vj. Threescore nyne Years,* at more lenth is contained. And his Majestie not willing, that his Majesties right trustie cussing, *Alexander Earle of Eglintounne*, superior of the foresaid *ewentie Merk-land of Kersland*, and of the foresaid *four pound-land of fullwoodhead*, comprehending as said is, with the touers, fortalices and pertinents; And also that *William Blair* of that ilk, superior of the foresaid *six pound-lands of bowrat, Campoll, Langdyk, and Listle broadlie*, with the towers, fortalices, and pertinents thereof, should be frustrate, and want ane vassell and tennent to them, of the lands and others respective above-mentioned: Bot rather willing to provyde ane immediat tennent and vassell to them, there heires, and assignayes of the samen. And lykwyse considering, the good and faithfull service done to his Majestie, and his Majesties royall father, of ever blessed memorie, be his Majesties said right trustie and well beloved Councillor, Lievetenent Generall, *William Drummond*, at severall occasions, bot especialie in the moneth of *November* *Ja: vj. Threescore six Years*, Be his active and valerous carriage, in the foresaid charge of Major Generall, pursuing, invading, defeating, and in Battell suppressing, a considerable number of his Majesties saids disloyall subjects, of the foresaid Kingdome, associat and combyned in armes as said is; Belydes divers other good and faithfull services, done by the said Lievetenent Generall *William Drummond*, by his skillfull conduct of such of his Majesties forces, as were intrusted to him from tyme to tyme, such as his engadging with the armies raised in the *Yeare* *Ja: vj. fourtie eight*; for frieing and relieving, the persone of his Majesties royall father of ever blessed memorie, then keeped in Captivitie and strong prisone, by his unnaturall and rebellious subjects, of England. His forWardness and Zeall in joyning himself in the royall armies in the Kingdome of Irland, in the year *Ja: vj. fourtie nyne*, Commanded by *James Duke of Ormond*, Lord Lievetenent of that Kingdome. The said Lievetennent Generall *William Drummond*, his readie and active concurrence, with his Majesties armies in Scotland and England, in the year *Ja: vj. fiftie ane*, and his great sufferings, and his long imprisonment therefore. And also his ventorious and

bold attempt, by rising again in armes, with many of his Majesties dewtifull and Loyall Subjects, in the Hiellands of Scotland in the year *Ja: vi. fiftie three*, with his Majesties commission as Major Generall, against the usurpers of the Government of the said Kingdome; and when all hopes was almost lost, because of that prevailing power, he choysed to endure all hardshipe, yea rather banishment from his native countrie, then to accept their offers and conditiones, for submiffione to the Tyrannie, of that illegall and unjust usurpatione. And after his Majesties happie restitutione, to his just right and possessione, of his Majesties Crounes, The said Lievetenent Generall *William Drummond*, willinglie left upon his Majesties Call, a plentifulfull and honorable condision, under his imperiall Majestie of *Russie-land*, to return and expresse constant and renued tokens of his fidelitie, to his Majesties service. And his Majestie being most willing, for his further encouragement, to persist in his Loyall actings, to confer some signe of his Majesties favours upon him: Therefore his Majestie with advice and consent, of his Majesties right trustie cufignes and Councillors, *John Earle of Rothes, &c. high Chancellor* of the said Kingdome of Scotland, *John Earle of Lauderdale, &c. sole Secretare* of State of the said Kingdome, *John Earle of Tueddale, &c. Alexander Earle of Kincardine, &c. William Earle of Dundonald, &c. Charles Maitland of Haltonne*, thesaurer deput to his Majestie of the said Kingdome, and his Majesties trustie Councillor, *Sr. Robert Murray*, late Justice Clerk, his Majesties Commissioners for the thesawrie, Comptrollarie, and thesawrarie of his Majesties new augmentations of the foresaid Kingdome, and also with advice and consent, of the rest of the Lords and others commissioners of his Majesties *exchequer*, of the samen Kingdome, Ordaines a letter of presentation to be past, under the Testimoniall of his Majesties great seall, of the foresaid Kingdome of Scotland, in due forme, nominating, and presenting, the said Lievetenent Generall *William Drummond*, his heirs and assignayes whatsover, in immediat heretable vassell and tennent, to the saids Earle of *Eglintown*, and *William Blair*, and requyring them, their heires, and assignayes, to enter the said Lieverennet Generall *William Drummond*, and his above-specified, in immediat heretable tennent and vassell to them, and the Lands and others respective above-written, and to infest and sease him and his above-

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mentioned therein, be *chartor* and *seafine*, as use is in the lyke; To be holden of them, their heires and successors, either of them for their oune parts, as is above-devided; Sicklyke, and als frielie, in all respects, as the said *Robert*, his prodecessors or authors held or might have holden the samen, of the fore-named superiors, their predecessors and authors, at any tyme before the foresaid *Rebellion*, The said Lievetennent Generall *William Drummonds* entrie to the *Lands*, and others foresaid, and up listing the *mailles*, *dewties*, and *Casualities* thereof, being for the *crope*, and *yeare of good ꝑa. vj. Threescoreten yeares*. As also his Majestie with consent foresaid, faithfullie promits *in verbo principis*, to cause Ratifie and approve, the chartor and other rights, to be made to the said Lievetennent Generall *William Drummond*, his heires and assignayes, of the *Lands* and others above-rehearsed, in his Majesties next Parliament, to be holden within his Majesties said Kingdome of *Scotland*, and that with consents of the estats thereof, and ordaines the foresaid letter, to be further extended, in dew forme, with all clausies needfull. Given at the Court at *Whitball*, the *fourth day of march. 1671*. And of his Majesties *Reigne* the 23<sup>th</sup>. *Yeare. Ut supra scribitur CHARLES REX. Sic subscribitur ROTHES CHANCELLOR. TUEEDDALE. KINCARDINE. DUNDONALDE. CH: MAITLAND. HALCARTOUNE. AR: PRIMROSE. JO: NISBET. JO: WAUCHOPE.*

Compositio vj. lib. xij. iiij.

Registrat march 13<sup>th</sup>. 1671.

*May it pleas your Majestie.*

These contains, your Majesties gift and disposition, to Lievetennant Generall *William Drummond*, his heirs and assignayes whatsomever, of the *twentie Merk-land* of *Kersland*, and other *Lands*, towers, fortalices, manor places, houses, yeards, orchards, and others whatsomever, particularlie above-mentioned; which pertained of before, to *Robert Ker* late of *Kersland*, at least to some of his predecessors, to whom he is appeareand heire; And are now fallen in your Majesties hands, and at your gift and disposition, be reasone of *forfaulsture*; Through the said *Robert* his ryling in armes

mes, in the last *Rebellion*, with these disloyall and seditious persones, who came from the westerne countiees, in *November* *Jas. vij. sixtie six*. These also containes your Majesties warrant, for a *letter of presentatione*, to be past under the testimoniall of your great seall of *Scotland*, nominating, and presenting the said Lievetenent Generall *William Drummond*, and his foresaids, in immediat heretable tennent and vassall, to *Alexander Earle of Eglintoun*, and *William Blaire of that ilk*, in the severall and respective Lands and others, whereof they are Lawfull superiors, in manner particularlie above-mentioned; To be holden of them, their heires and successors, either of them for their oune parts, as is above divided sicklyk, and all frielie in all respects, as the said *Roberte Ker*, his predecessors or authors, held, or might have holden the samen, at any tyme before the said *Rebellion*. The said Lievetenent Generall *William Drummond* his entrie to the saids Lands, and others foresaids, And up lifting the *mails*, *dewties*, and *Casualties* thereof, being for the *crope*, and *yeare of god Jas. vij. and seventie*. And your Majestie promises *in verbo principis*, to ratifie and approve the said chartor, and others rights to be made, to the said Lievetenent Generall *William Drummond* and his foresaids, of the Lands and others above-rehearsed, in your Majesties next Parliament, to be holden in the said Kingdome.

*Sic subscribitur.*

LAUDERDALE.

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*That other gift, of Kerlands Lands of  
overtoun in the parochin of Beeth, to William  
Blair of that ilk.*

OUR SOVERAIGNE LORD, with advyce and consent, of his Majesties right trustie, and well beloved cufignes and Councellors, *John Earle of Rothes*, *Lord Leslie* and *Balm-briech &c.* high Chancellor of the Kingdome of *Scotland*, *John Duke of Lauderdale*, *Marques of March*, *Earle of Lauderdale*, *Viscount Maitland*, *Lord Thirlestane*, *Musselburgh* and *Bolton*.  
Lord



Lord president of his Majesties privie Councell of the said Kingdome, and Sole secretare thereof, *John Marques of Arholl &c.* Lord privie seall of the said Kingdome, *Archibald Earle of Argyll &c.* *Alexander Earle of Kincardin &c.* *William Earle of Dundonald &c.* and his Majesties trustie and familiar Counsellor *Charles Mairland of Hallowin*, his Majesties Thesaurer depute, of the said Kingdome, commissioners of his Majesties Thesaurie, Comptrollexie, and Thesaurie of his Majesties new augmentationes, within the said Kingdome of Scotland, and also with advyce and consent, of the remanent Lords and others, commissioners of his Majesties *exchequer*, of the samen Kingdome, ORDAINES ane *letter of presentation*, to be made, under the Testimoniall of the great seall, in due form: MAKEING MENTIONE, that his Majestie Considering, that all *Lands, heretages and others whatsoever*, whilks belonged To *Robert Ker of Kerland*, fell in his Majesties hands, and at his Majesties *gift and disposition*, and *presentation*, be reason of *forfeiture*: Throw the said *Robert Ker*, his adjoyning, and associating himself in *rebellion*, with these who did aryle in the west, in *Anno Ja: vj. sixtie six Yeares*, against his Majesties Authoritie and Lawes, in manner as is more fullie mentioned, in the decreet and sentence of *forfeiture*, pronounced against him, be the Justice Generall and his deputs for the samen, upon the  
day of

and also considering, the *eight pound land*, of old extent, of *over-toun*, and *Corn mylne* thereof, with the mylne *Lands*, *astricted mulsures* and *sequells* of the samen, with houses, biggings, yeards, annexes, connexes, parts, pendicles and pertinents of the samen whatsoever, lyand within the Baronie of *Giffen*, bailliarie of *Kylstewart* be *annexation*, the *sheriffdome of Ayr*; quhilks were disposed and wodset, be *unquhill Robert Montgomerie of Hefsilheid*, to the said *Robert Ker of Kerland*, under reversion, be payment of the sumes of mony, contained in the infeftments, rights and securities made thereanent; doeth now pertaine and belong to his Majestie, and is fallen, and become in his highnes hands, and at his highnes *gift and disposition*, be reason, of the foresaid decreet, and sentence of *forfeiture*; And that the same is yet undisposed upon; or gifted be his Majestie: And his Majestie, for the good, true and thankfull services, done

and performed to his Majestie, and his highnes ancestores, be *William Blair* of that ilk, and his predecessors, and for certaine other ourrous causes, good respects, and considerations moving his Majestie, being resolved to confer upon the said *William Blair*, the rights of the foresaid wodset: THEREFOR his Majestie with consent foresaid, hes given, granted and disponed, and be the tenor thereof, with consent foresaid, gives, grants and dispones, to the said *William Blair* of that ilk, his heires and assignayes what former; ALL AND HAIL the said eight pound land of old extent, of overtonn, and cornmylne thereof, with the mylne Lands, astricted multures, and pertinents of the samen wodset, be the said umquhille *Robert Montgomerie* of *Hesilhead*, to the said *Robert Ker* of *Kerland*, for the sumes of mony, mentioned in the rights and securities past thereanent, with the said right of wodset it self, haill sumes of mony therein contained, Chartours and infeftments following thereupon, haill heads, articles and clauses thereof, and all that hes followed, or may follow upon the samen. Lykeas his Majestie, with advyce and consent foresaid, hes nominat and presented, and be thir presents, nominats and presents, the said *William Blair* of that ilk, his heires and successors, immediat heretable vassalls, and tennents, to the heires, and successors foresaids, of the said *Robert Montgomerie* of *Hesilhead*, superior of the Lands, mylne and others foresaids, REQUIRING them, to enter and receave, the said *William Blair* of that ilk, and his foresaids, immediat heretable tennents, and vassalls to them, of all and haill, the Lands and mylne, And to infeft and seafe him, and his foresaids therein, be chartor and faifine, To be holden of them, their heires and successors, Siclyke, and als frielic, in all respects, as the said *Robert Ker* of *Kerland*, or any of his predecessors, or authors, held the samen, of before; and that the said letter, be further extended, in the best form, with all clauses needfull. GIVEN AT, the Court at Whitehall, the twentie two day of Aprile Ja: vj. seventie eight. And of his Majesties Reigne the 30<sup>th</sup>. Year. Ut supra scribitur. CHARLES REX. Sic subscribitur, LAUDERDALE COMMISSIONER. ROTHES CHANCELLOR. DUNDONALD. CH: MAITLAND. CAITHNESS. ELPHINSTONE. BELHAVEN. THO MURRAY  
GEO

GEO. Mc. KINZIE. THO WALLACE.

Compositio vj. lib. xij, iij.

Regrat 28th. Juny 1678.

*May it pleas your Majestie.*

These containe, ane warrant, for ane gift and presentation, to be past, under the Testimoniall of your Majesties great seall of Scotland; in favours of *William Blair* of that ilk, his heires and assignayes, of the eight pound land of *Overtoun*, with the cornmylne and pertinents thereof, which were wodset, be *amquhill Robert Montgomerie* of *Hessilheid*, to *Rober Ker* of *Kersland*, for the lumes of mony, mentioned in the rights and securities made there anent; And are now falen in your Majesties hands, and at your gift and presentation; Throw ane decreet and sentence of forsaillure, given and pronounced against the said *Robert Ker*, before the Justice Generall and his Deputs; And your Majestie nominats and presents, the said *William Blair*, to be vassall and tennent, to the heires and successors, of the said *Robert Montgomerie* of *Hessilheid*, superior thereof; Requiring them, to infest the said *William Blair*, in the *Lands, mylne* and others foresaids, to be holden of them, Siclyke and als frielie, as the said *Robert Ker* held the same.

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*The gift of Major Joseph Lermonts estate  
to William Hamilltoun of Woulshaw.*

OUR SOVERAIGNE LORD, with advice and consent, of his Majesties right trustie cufignes and Counsellors, *John Earle* of *Rothes* Lord high Chancler of the Kingdome of Scotland, *John Earle* of *Lauderdale* sole secretare of state, *John Earle* of *Tweeddale*, *Alexander Earle* of *Kincardine*, *William Earle* of *Dundonald*, *Charles Maitland* of *Haltoun*, his Majesties Thesaurer deput of the samen Kingdome, and *Sr. Robert Murray knight*.

Commissioners of his Majesties Thesaurarie, Comptrollarie, and Thesaurarie of his Majesties new augmentationes, and also with consent and advice, of the remnant Lords and others his Majesties commissioners of the *exchequer* of the samen Kingdome, ORDAINES ane letter of presentation, to be made under the testimonyall of his Majesties great seall of this Kingdome, directed to Mr. Andrew Broun of Dollphintoun; Bothwell

of Glencroft, or James Murray of Skirling, or either of them immediat and Lawfull superiors, of the lands, tiends and others under-written; Mackand mentione, that all and sundrie the Lands after-specified, Viz. All and haill the Lands of Newholme, with the manore place, houses, biggings, yards, orchards, parts, pendicles, and pertinents of the samen, extending to ane pound land of old extent, Lying within the parochin of Dollphintoun, and the sherriffdome of Lanerk and be union within the Baronie of Skirling as for the principall. And sicklyk all and haill, these parts and pertinents of the Lands, and Baronie of Skirling, called the Lands of Kirk la hill and Stainie Lands, with the pertinents lying within the Baronie of Skirling, and the sherriffdome of peibles, in speciall warrandice, and securitie of the said Lands of Newholme, in case of eviction thereof; TOGETHER with the teynd personage, and viccarage of the saids Lands of Newholme, and haill pertinents thereof whatsomever. Which pertained of before, to Major Joseph Lermont of Newholme, holden be him immediatlie, of the said Mr. Andrew Broun Bothwell, or James Murray, oraither of them, immediat and Lawfull superiors, of the saids Lands tiends and others with the pertinents, and are now fallen, and become in his Majesties hands, and at his Majesties presentation and disposition, be, and through, the process and doom of forsaithure, dewlie, Lawfullie Led, and deduced, and pronounced against the said Major Joseph Lermont, in ane Justice court, holden at Edenbrugh, the fourteene, fyftine, and sixtine dayes of August Ja: vij: and sixtie seven Teares. \* For certaine crymes of treason, ane lese Majestie, committed be him, and whereof he was convicted, in

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their  
rights in  
latine as  
the expres cause of the gift are thus.

Pro certis criminibus perduellionis & lese Majestatis per eum commissis & de quibus convictus fuit in dicta curia Judiciaria pro ut in processu & sententia forisfacturae eatenus lat: & deduct: fufus habetur.

in the Justice court, as in the *process* and *sentence of forfaiture* led deduced, and pronounced thereanent, at more Length is contained. And our Sovereigne Lord understanding, that the said *Mr. Andrew Brown*

*Bothwell*, and *James Murray*, or either of them, are now undoubted, immediate and Lawfull superiors, of the saids Lands and others above-written, and not being willing that they be any wayes hurt or prejudged, of their or either of their superiorities; bot rather to provide to them ane sufficient tennent and vassell: Therefor his Majestie with advice and consent foresaid, hes nominat and presented, and be thir presents, nominats and presents to them, his Majesties *Levis*, *William Hamilton* of *Woulshan*, his heires and assignayes, immediat and heretable tennent to them, of all and sundrie the Lands, tiends, and others above-written, extending and lying as said is; Requiring the said *Mr. Andrew Brown*

*Bothwell*, and *James Murray*, or either of them, superiors foresaids, to Receave the said *William Hamilton*, his heires and assignayes foresaids, immediate and heretable tennent to them, of all and sundrie the foresaids Lands, and others foresaids respectiue above-written, extending and lying as said is, and to make and delyver to him, sufficient and heretable inestments of the samen, to be holden of the said *Mr. Andrew Brown*,

*Bothwell*, and *James Murray*, or either of them, their heires and successors, sicklyk and als frielie, in all respects, as the said *Major Joseph Lermont*, held or might have holden the samen himself, before the said *sentence* and *doom of forfaiture*; and that the said letter, be further extended, in best form, with all clauses needfull. Given at the Court at Whithall, the fourth day of march 7a: vj: and seventie and ane Years. And of his Majellties Reigne the 23. Year. Ut supra scribitur CHARLES REX. Et sic subscribitur ROTHES CANCELLOR. TUEEDALE. KINCARDINE. DUNDONALD. CH: MAITLAND. JAMES DALRYMPLE. AR: PRIMEROSE. JO: NISBET. WAUCHOP.

COMPOSITIO vj. lib. xij. iij.

Registrat may 20th. 1671.

*May it pleas your Majestie.*

These contains, your Majesties warrand, for a *letter of presentation*, to be made in favours of *William Hamilltown* of *Wollshaw*, his heirs and assignayes, under the testimoniall of your great seall of *Scotland*, directed to *Mr. Andrew Brown* of *Dolphintoun*, . . . . *Bothwell* of *Glencroft*, and *James Murray* of *Skirling*, or either of them, immediat and Lawfull superiors of the Lands of *Newholme*, with the manor place, houses, biggings, parts, pendicles, and pertinents of the samen, as for the principall, and the Lands of *Kirklabills*, and *Stanie Lands*, with the pertinents, in speciall warrandice, and securitie of the saids Lands of *Newholme*, together with the *tiends*, *personage*, and *viccarage* of the Lands of *Newholme*, and pertinents thereof whatsomever. Which pertained heretablie of before, to *Major Joseph Lermont* of *Newholme*. holden be him immediatly, of the saids persons, or either of them, and which are now fallen, and become in your Majesties hand, and at your Majesties presentation and disposition, through the *process* and *doom* of *forfaillure*, *Led*, and *pronounced* against the said *Major Joseph Lermont*, in ane Justice court holden at *Edenburgh*, upon the . . . . day of *Ja: vi: sixtie* and *seven Years*, for certaine crimes of *treason*, & *lase Majestie*, committed be him; and your Majestie nominats and presents, to the saids persons, or either of them, Lawfull superiors of the saids Lands, and others above-mentioned, the said *William Hamilltown* and his foresaids, in immediat heretable tennent to them, of all and hail the *Lands*, *teynd*s, and others above-written, Requyring them, or either of them, superiors foresaid, to receave him and his foresaids, in immediat tennent to them of the samen, and to delyver to him, sufficient and heretable infestments, to be holden of them, or either of them, their heirs and successors, als frielie, als the said *Major Joseph Lermont* hath, or might have holden the samen himself, before the said sentence of *forfaillure*.

*Sic subscribitur.*

L A U D E R D A L E.

*The*



(151.)

*The exact double of the Kings Gift, of the  
estate belonging to William Porterfield of Quarelltown  
to Mr. John Hamilltown of Hallcraig Younger.*

*sic superscribitur.* CHARLES REX.

OUR SOVERAIGNE LORD, with advice and consent, of his highnes right trustie cufignes and Counsellers, *John Earle of Rothes*, Lord high Chancellor of Scotland, *John Earle of Lauderdale*, sole Secretarie of State, *John Earle of Tweeddale*, *Alexander Earle of Kincardine*, *William Earle of Dundonald*, *Charles Maitland of Halcraig*, thesaurer deput of the samen Kingdome, and *Sr. Robert Murray Knight*, Commissioners of the thesaurarie, Comptrollarie, and thesaurarie of new augmentationes, and also with advyce and consent, of the remanent Lords and commissioners of *exchaquer* of the samen Kingdome, Ordaines ane *letter of presentation*, to be made under the testimoniall of the great seall of this Kingdome, direct to *Porterfield* of that ilk, or

*Shaw of Grinok*, or ane or other of them, superiours of the Lands, tiends and others under-written: Mackand mentione, that all and sundrie the Lands and others under-written, viz. All and hail the *ten Merk-land* of *Easter Cochrane*, with tour, fortalice, manore places, milnes, mulders, parts, pendicles, and pertinents thereof, Comprehending therin the Lands of *Quarrelltown*, *Lonbanck*, *Hillhead*, *Cairssyds*, over and nether *Gremend*, and *Breadinbill*, all lying within the parochin of *Palslay*, and sheriff-dome of *Renfrew*. Which pertained heretablie of before, to *William Porterfield* of *Quarrelltown*, holden be him immediatlie, of the saids

*Porterfield*, or *Shaw*, or aither of them. Are now fallen, and become in his Majesties hands, and at his highnes presentation and disposition, be, and throw the proces and doom of *forfaulture*, dewlie, orderlie led, deduced and pronounced against the said *William Porterfield*, in ane justice court, holden at *Edenburgh* upon the *fyftien* day of *August* *Ja. vij. sextie seven Years*, \* for certaine

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runes thus : . . . . pro certis criminibus perduellionis & lese Majestatis per eum commissis & de quibus convictus fuit in dicta curia Justitiaria prout in processu & sententia forisfactura ead-  
tenus lat. & deduct. fufius habetur.

(152.)

crymes of treason and lese Majestie committed be him, and whereof he was convict, in the said justice court, as in the process and sentence of forsailltur, led, deduced and pronounced thereanent, at maire lenth is contained. And our said Sovereigne Lord understanding, that the saids . . . Porterfield, or . . . Shaw are now undoubted immediat Lawfull superiors of the saids Lands and others; And not being willing that they be any wayes hurt or prejudged, of their superioritie thereof, bot rather to provyd them, to ane sufficient tennant and vassell of the samen: Therefor his Majestie with advice and consent foresaid, hes nominat and presented, and be thir presents, presents to them his Majesties Lovit, Mr. John Hamilltown of Hallcraig Younger, his heirs and assignays, in immediat heretable tennant to them, of all and sundrie the saids lands, tiends, and others above-written, extending and lying as said is, requyring the saids Porterfield, or Shaw, superiors foresaid, to receive the said Mr. John Hamilltown, his heirs and assignays foresaids, in immediat heretable tenants to them, of all and sundrie the foresaids Lands, and others respective above-written, extending and lying as said is, and to make and delyver to him, sufficient and heretable inestments of the samen, to be holden of the saids Porterfield, or Shaw, or aither of them, their heirs or successors sicklyk and als frielie as the said William Porterfield held, or might have holden the same himself, before the said sentence and doome of forsaillture, And that the said letter be further extended in the best form, with all clauses needfull. Given at the Court at Whithall the 4<sup>th</sup>. day of marche Ia: vij: seventie ane year and of his Majesties Reigne 23. year.

COMPOSITIO GRATIS.

Sic subscribitur.

ROTHES. CHANCELL. TWEEDDALE. KIN-  
CARDINE. CH: MAITLAND. BELLEN-  
DEN. AR: PRIMROSE. JO: NISBET.

*May it pleas your Majestie.*

These containes your Majesties warrand, for a letter to be made under the testimoniall of your great seall of Scotland, directed to

Porterfield of that ilk, or

Shaw of Grinok or ane or  
other

other of them, superior of Ten Merk Land of *Robert Cochran* and other Lands, Teynds and others abovementioned, which pertained heretofore to *William Porterfield of Quarrelstown*; holding by him immediatly of them or either of them: now fallen and become in your Majesties hands, and at your presentation and disposition, through the Process and decree of forfeiture led and pronounced against the said *William Porterfield* in a Justice Court holdin at Edinburgh upon the day of

166 Years, for certain crimes of

Treason and *Life Majesty* committed by him. And your Majesty nominats and presents *Mr. John Hamilton* yonger of *Halcraige*, his Airs and assignies, in immediate heretable tennents to him of all and sundrie the said teyndes and others abovementioned, Extending and lying in mainer abovementioned, Requiring the saids

*Porterfield* *Shaw* Superiors forsaids, to receive the said *Mr. John Hamilton* and his forsaids, in immediate heretable tennents to him, of all and sundrie the forsaids Lands, and others respectively abovementioned: And to make and deliver to him sufficient and heretable Infeftments of the same: To be holdin of them or either of them, there Airs and Successors, as freely as the said *William Porterfield*, hath or might have held the same himself before, the said Sentence of forfeiture.

*Sic subscribitur*

LAUDERDAIL: